Supreme Court, U. S.
FILED
MAR 31 1980
MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT
OF THE UNITED STATES

October Term 1979

No. 79-1527

THE STATES OF ALASKA, ARKANSAS, CALIFORNIA, COLORADO, IOWA, MISSOURI, NEBRASKA, NEW MEXICO, OREGON AND WASHINGTON (Plaintiffs in the Fine Paper Antitrust Litigation, MDL Docket No. 323),

Petitioners,

v.

THE HONORABLE JOSEPH L. McGLYNN, JR., Judge, United States District Court for the Eastern District of Pennsylvania,

Respondent.

MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS, PETITION FOR WRIT OF MANDAMUS, AND BRIEF IN SUPPORT THEREOF

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State of Oregon
On Behalf of
Petitioning States

Attorneys appearing Of Counsel appear on signature page of petition.

IN THE SUPREME COURT
OF THE UNITED STATES

October Term 1979

No. .....

THE STATES OF ALASKA, ARKANSAS, CALIFORNIA, COLORADO, IOWA, MISSOURI, NEBRASKA, NEW MEXICO, OREGON AND WASHINGTON
(Plaintiffs in the Fine Paper Antitrust Litigation, MDL Docket No. 323),

Petitioners,

v.

THE HONORABLE JOSEPH L. McGLYNN, JR., Judge, United States District Court for the Eastern District of Pennsylvania,

Respondent.

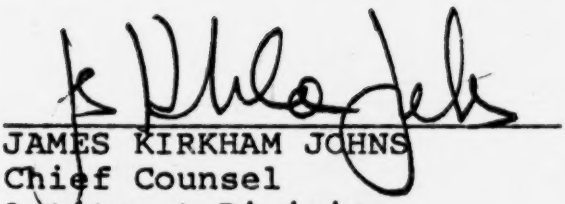
MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS

Petitioners move the Court for leave to file the petition for a writ of mandamus annexed hereto; and further move that an order and rule be entered and issued directing the Honorable Joseph L. McGlynn, Jr., Judge of the United States District Court for the Eastern District of Pennsylvania, to show cause why a writ of mandamus should not be issued in accordance with the prayer of the petition, and why petitioners should not have such other and further relief in the premises as may be just.

DATED: March 28, 1980.

RESPECTFULLY SUBMITTED,

JAMES M. BROWN
Attorney General



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Of Counsel for
petitioning states
appear on signature
page of the petition.

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IN THE SUPREME COURT
OF THE UNITED STATES

October Term 1979

No. .....

THE STATES OF ALASKA, ARKANSAS, CALIFORNIA, COLORADO, IOWA, MISSOURI, NEBRASKA, NEW MEXICO, OREGON AND WASHINGTON
(Plaintiffs in the Fine Paper Antitrust Litigation, MDL Docket No. 323),

Petitioners,

v.

THE HONORABLE JOSEPH L. McGLYNN, JR., Judge, United States District Court for the Eastern District of Pennsylvania,

Respondent.

PETITION FOR WRIT OF MANDAMUS
DIRECTED TO
THE HONORABLE JOSEPH L. McGLYNN, JR.
UNITED STATES DISTRICT JUDGE
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Petitioners, the States of Alaska, Arkansas, California, Colorado, Iowa, Missouri, Nebraska, New Mexico, Oregon and Washington (hereinafter the "States"), plaintiffs in the Fine Paper Antitrust Litigation pending in the United States District Court for the Eastern District of Pennsylvania (MDL Docket No. 323), pray for the issuance of a Writ of Mandamus from this Court to the Honorable Joseph L. McGlynn, Jr., Judge of the Eastern District of Pennsylvania, directing him to vacate an order which has denied the States the option of invoking the procedural safeguards provided by Rule 33(c) of the Federal Rules

of Civil Procedure.

ORDERS BELOW

On January 17, 1980, Judge McGlynn entered Pretrial Order No. 87. The effect of this order was rejection of the States' Rule 33(c) response to certain "interrogatories" pertaining to the States' purchases of fine paper (printing and writing paper) which required the States to extract a plethora of purchase data from their transactional documents and record, by typing, such information upon multi-page forms provided by the defendants. Copies of the forms are attached as Appendix 6, infra., page A 14. A copy of Pretrial Order No. 87 is attached as Appendix 1, infra., page A 14. No opinion accompanied the order,

and the order has not been reported.

On February 22, 1980, Judge McGlynn entered Pretrial Order No. 92. The order denied the States' motion for reconsideration of Pretrial Order No. 87. A copy of Pretrial Order No. 92 is attached as Appendix 2, infra., page A 6. No opinion accompanied the order, and the order has not been reported.

On March 18, 1980, the Circuit Court of Appeals for the Third Circuit denied the States' motion for a stay and the States' petition for writ of mandamus, filed with that Court on March 14 and 17, 1980, respectively. Copies of the orders are attached as Appendices 3 and 4, infra., pages A 8 and A 10. No opinion accompanied those orders, and the orders have not been reported.

JURISDICTION

The jurisdiction of this Court to review the orders of the District Court is invoked under the All Writs Statute of the Judicial Code of 1948, 28 U.S.C. § 1651, and the opinions of this Court interpreting that statute and the earlier statutes therein consolidated. See, e.g., Ex Parte Peru, 318 US 578 (1943), Schlagenhauf v. Holder, 379 US 104 (1964), and Will v. United States, 389 US 90 (1967).

QUESTION PRESENTED

The question presented is whether the District Court's entry of Pretrial Order Nos. 87 and 92 with respect to the Settling Defendants' transaction interrogatories and forms, which orders require the States to extract comprehensive and

detailed purchase data for every purchase of fine paper over a nine-year period from voluminous transactional documents and record, by typing, such information upon multi-page forms supplied by the defendants, constitutes a sufficiently persistent disregard for the procedural safeguards expressly set forth in Rule 33(c) to justify this Court's issuance of a writ of mandamus to the District Court Judge requiring him to vacate the orders with respect to the transaction interrogatories and forms.

FEDERAL RULES INVOLVED

The rule involved in the question presented is Rule 33(c) of the Federal Rules of Civil Procedure. Rule 33(c) provides as follows:

(c) Option to Produce Business Records

Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

STATEMENT OF FACTS MATERIAL TO THE CONSIDERATION OF THE QUESTION PRESENTED

The States are plaintiffs in civil antitrust actions alleging violations of Section 1 of the Sherman Act, 15 U.S.C. § 1, by certain manufacturers (mills) and

distributors (merchant houses) of fine paper. Appendix 21, infra., identifies the defendants. The actions were brought under Section 4 of Clayton Act, 15 U.S.C. § 15, and were consolidated with similar actions brought by private plaintiffs and by other states for co-ordinated pretrial proceedings before Judge McGlynn pursuant to 28 U.S.C. § 1407 and order of the Judicial Panel on Multidistrict Litigation. The coordinated actions have been designated In Re Fine Paper Antitrust Litigation, MDL Docket No. 323.

Defendants Boise Cascade, International Paper, Potlatch, St. Regis, Union Camp and Weyerhaueser (hereinafter "Settling Defendants") have settled with all private parties and certain states for $30 million. The Settling Defendants have not settled with the petitioning

States.

On September 19, 1979, the Settling Defendants served a set of interrogatories upon the States, which interrogatories included four transaction "interrogatories" directing the States to fill out, by typing, four multi-page forms prepared and provided by the defendants for the purpose of recording transactional purchase data with respect to every purchase of fine paper by the States over a nine-year period. Copies of the interrogatories at issue are attached as Appendix 5, infra., page A 12. Copies of the forms are attached as Appendix 6, infra., pages 14 through 21.

Completion of the comprehensive, multi-page forms would have required the review of voluminous and detailed transactional documents with respect to every

purchase of fine paper over a nine-year period. The burden of deriving or ascertaining the requested information would have been no greater for the Settling Defendants as for the States. In addition, the very documents from which the requested information could have been derived or ascertained had been made available to the Settling Defendants a year and a half earlier in response to previous discovery requests regarding transactional information. For these reasons, the States provided Rule 33(c) responses to the transaction interrogatories, referring in the process to their earlier production of documents in response to defendants' previous interrogatories and requests for production. A copy of the State of Oregon's response to the transaction interrogatories, which

response is representative of the responses by the other States', is attached as Appendix 7, infra., page A 22.

On December 13, 1979, the Settling Defendants filed a Rule 37 motion requesting, inter alia, the entry of an order compelling the States to answer the transaction interrogatories by themselves deriving or ascertaining the requested information from the transactional documents involved and providing the data to defendants upon the forms they supplied. Excerpts from the Settling Defendants' motion and memorandum are attached as Appendix 8, infra., page A 25. In response to this motion, Judge McGlynn entered Pretrial Order No. 87, attached as Appendix 1, infra., page A 1.

The States thereafter filed a motion for reconsideration of Pretrial Order No.

87 and, in the alternative, a motion for certification pursuant to 28 USC § 1292(b) and a stay of Pretrial Order No. 87. A copy of the States' motion for reconsideration is attached as Appendix 9, infra., page A 27. In support of the motion, the States submitted affidavits describing the volume and nature of the transactional documents which would have to be reviewed, and estimating the time and resources which would have to be expended in order to extract the information from the documents and record the information upon the forms. A copy of the entire affidavit submitted by the State of Oregon, with copies of representative transactional documents attached, is attached as Appendix 10, infra., page A 29. Exerpts from the affidavits filed by the other states are attached as

Appendices 11 through 19, infra., pages A 98 through A 136, respectively. The motion for reconsideration was denied by Pretrial Order No. 92, a copy of which is attached as Appendix 9, infra., page 27.

On March 14, 1980, the States filed an emergency motion for a stay of Pretrial Order No. 87 with the Court of Appeals for the Third Circuit, and on March 17, 1980, filed with the Third Circuit a petition for writ of mandamus. The Third Circuit denied the motion and petition on March 18, 1980. Copies of the Third Circuit's orders are attached as Appendices 4 and 5, infra., pages A 10 and A 12, respectively.

REASONS FOR ISSUING THE WRIT OF MANDAMUS

A. Mandamus Should Issue Directly To A District Court When The Federal Rules Have Been Nullified By The Actions Of A District Judge:

The jurisdication of this Court to issue writs in the aid of its appellate jurisdiction has been consistently sustained. Writs of prohibition and mandamus directed to an inferior court have been used to exert the revisory power of this Court over inferior courts, and have thus provided an expeditious and efficient means of confining inferior courts to the lawful exercise of their prescribed jurisdiction and compelling them to do that which they are duty bound to do. Ex Parte Peru, supra, 318 US at 582-583, Schlagenhauf v. Holder, supra, 379 US at 109-110.

This Court's use of its revisory powers includes the issuance of such writs directly to a district court in order to enforce compliance with the Federal Rules of Civil Procedure, see, LaBuy v. Howes Leather Co., 352 US 249 (1957), and formulate necessary guidelines concerning their construction and application, Schlagenhauf v. Holder, supra. See, also, Will v. United States, supra.

In finding that a District Court's persistant disregard of the Federal Rules "amounted to little less than an abdication of the judicial function," this Court in LaBuy held that the extraordinary remedy of mandamus was justified as a means of enforcing the rules.

> "* * * the exceptional circumstances here warrant the use of the extraordinary remedy of mandamus. * * * '* * * [W]here the subject concerns the enforcement of the

> * * * [r]ules which by law it is the duty of this Court to formulate and put in force,' mandamus should issue to prevent such action thereunder so palpably improper as to place it beyond the scope of the rule invoked. As was said * * *, were the Court '* * * to find that the rules have been practically nullified by a district judge * * * it would not hesitate to restrain [him] * * *'." 352 US at 256.

B. The District Court's Entry Of Pretrial Order No. 87 Nullifies Rule 33(c) Of The Federal Rules And Deprives The States Of The Procedural Safeguards Expressly Provided By The Rule.

The option of a party responding to interrogatories to produce records in lieu of preparing narrative answers is expressly provided by Rule 33(c). As explained by the Advisory Committee notes to the 1970 amendments to Rule 33, subdivision (c) relates "especially to interrogatories which require a party to engage in burdensome or expensive

research into his own business records in order to give an answer." By providing the responding party with an option to make records available, the subdivision "places the burden of discovery upon its potential benefitee." See 4A Moore's Federal Practice, ¶ 33.01[6]. This concept received the endorsement of this Court in Oppenheimer Fund, Inc. v. Sanders, 437 US 340, 356-357 (1978).

The States' production of documents from which the information elicited by the interrogatories could be derived or ascertained in lieu of undertaking the extreme burden and expense of themselves extracting the information from the transaction documents and completing the forms was unquestionably justified and constituted a sufficient and good faith response to the transaction interroga-

tories. See, Daiflon v. Allied Chemical Corp., 534 F2d 221 (10th Cir. 1976), Technitrol, Inc. v. Digital Equipment Corporation, 62 FRD 91 (MD Ill, ED 1973); and Milsen Co. v. Southland Corp., 16 FRServ2d (MD Ill 1972). If the States' use of the option available under Rule 33(c) to respond to the transaction interrogatories in question was not justified, it is apparent that use of the option by a responding party would never be justified. It is difficult to imagine a set of interrogatories more suited for a Rule 33(c) response.

C. By Entering Pretrial Order Nos. 87 and 92, The District Court Has Shown A Persistent Disregard For The Provisions Of Rule 33(c):

The District Court's unjustified and unexplained rejection of the States' Rule 33(c) responses to the Settling

Defendants' transaction interrogatories, reflected by the entry of Pretrial Order No. 87, and the Court's subsequent entry of Pretrial Order No. 92 denying the States' motion for reconsideration of the earlier order, manifests the District Court's persistent disregard for the provisions of Rule 33(c) of the Federal Rules of Civil Procedure. The issuance of a writ of mandamus pursuant to this Court's revisory power over the District Court is urgently needed in order to confine the District Court to the lawful exercise of its prescribed jurisdication. Immediate guidance from this Court is required.

It is difficult to imagine a more blatent abuse of discovery than the Settling Defendants' use of the transaction interrogatories and forms, the use

of which has been effectively sanctioned by the District Court as a result of the entry of Pretrial Order No. 87. If the District Court's endorsement of such techniques is not rejected by this Court, Rule 33(c) will have been effectively deleted from the Federal Rules of Civil Procedure.

D. There Is No Adequate Relief Available To The States By Appeal From The District Court's Orders:

The District Court denied the States' motion for reconsideration of Pretrial Order No. 87 and their alternative motion for certification of the order pursuant to 28 USC § 1292(b) and for stay. The Third Circuit denied the States' motion for stay and their petition for a writ of mandamus.

An appeal from a dismissal of the States' cases based upon their failure to comply with Pretrial Order No. 87 with respect to the completion of the forms would involve a delay of several years and would prevent the completion of coordinated pretrial proceedings in the Fine Paper Litigation pending the appeal, thus fragmenting the coordination of discovery and trial preparation which the Judicial Panel on Multidistrict Litigation intended by its consolidation of the cases in the Eastern District of Pennsylvania.

The only adequate review available to the States is review at this time by this Court. The issuance of a writ of mandamus would best serve the interests of the judiciary and the parties in the fair and expeditious resolution of these cases.

CONCLUSION

This Court should issue a writ of mandamus to the Honorable Joseph L. McGlynn, Jr., directing him to vacate Pretrial Order No. 87 with respect to the States' Rule 33(c) responses to the Settling Defendants' transaction interrogatories and forms.

DATED: March 28, 1980

RESPECTFULLY SUBMITTED,

JAMES M. BROWN
Attorney General

/s/ James Kirkham Johns

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CERTIFICATE OF SERVICE

I, JAMES KIRKHAM JOHNS, of counsel for Petitioner State of Oregon, hereby certify that on March 28, 1980 true and correct copies of the foregoing motion for leave to file and petition for writ of mandamus were served upon all parties required to be served by mailing such copies to counsel for all parties to the Fine Paper Antitrust Litigation, upon the Honorable Joseph L. McGlynn, Jr., Judge, United States District Court for the Eastern District of Pennsylvania, and upon the Solicitor General, Department of Justice, by first class mail, postage fully prepaid thereon.

DATED: March 28, 1980

JAMES KIRKHAM JOHNS

APPENDIX 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: FINE PAPER ANTITRUST LITIGATION	
THIS DOCUMENT RELATES TO:	MDL 323
STATE OF ALASKA	
v.	78-2958
BOISE CASCADE CORP., et al.	
STATE OF ARIZONA	
v.	78-2463
BOISE CASCADE CORP., et al.	FILED Jan. 17, 1980 MICHAEL E. KUNZ, CLERK
STATE OF ARKANSAS	By____Dep. Clerk
v.	78-1716
BOISE CASCADE CORP., et al.	

STATE OF CALIFORNIA v. BOISE CASCADE CORP., et al.	78-2492
STATE OF COLORADO v. BOISE CASCADE CORP., et al.	78-1359
STATE OF IOWA v. BOISE CASCADE CORP., et al.	78-1096
STATE OF MISSOURI v. BOISE CASCADE CORP., et al.	78-1095
STATE OF MONTANA v. BOISE CASCADE CORP., et al.	78-3576

STATE OF NEBRASKA v. BOISE CASCADE CORP., et al.	78-3576
STATE OF NEW MEXICO v. BOISE CASCADE CORP., et al.	78-1934
STATE OF OREGON v. BOISE CASCADE CORP., et al.	78-1050
COMMONWEALTH OF PENNSYLVANIA v. BOISE CASCADE CORP., et al.	78-1295

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STATE OF UTAH	)	
v.	)	78-2656
BOISE CASCADE CORP., et al.	)	
STATE OF WASHINGTON	)	
v.	)	78-3081
BOISE CASCADE CORP., et al.	)	

PRETRIAL ORDER NO. 87

AND NOW, this 17th day of JANUARY, 1980, upon consideration of Defendants' Motion to Compel Answers to Joint Interrogatories and to Produce Documents and for Sanctions, and after a hearing held on January 15, 1980, it is hereby

ORDERED that Defendants' Motion to Compel Answers to Defendants' Joint Interrogatories and to Compel the Produc-

tion of Documents be and the same is hereby GRANTED. Plaintiffs are hereby ORDERED to answer each interrogatory, to specifically set forth the information requested, and to produce the documents requested within twenty (20) days from the date of this Order.

Upon failure of plaintiffs to comply with this Order, appropriate sanctions will be imposed.

BY THE COURT:

/s/ Joseph L. McGlynn
JOSEPH L. McGLYNN, JR.

APPENDIX 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: FINE PAPER ANTITRUST LITIGATION	:
THIS DOCUMENT RELATES TO:	MDL 323
STATE OF ALASKA	: CIVIL ACTION NO. 78-2958
STATE OF ARIZONA	: CIVIL ACTION NO. 78-2463
STATE OF ARKANSAS	: CIVIL ACTION NO. 78-1716
STATE OF CALIFORNIA	: CIVIL ACTION NO. 78-2494
STATE OF COLORADO	: CIVIL ACTION NO. 79-1359 (sic)
STATE OF MISSOURI	: CIVIL ACTION NO. 78-1095
STATE OF NEW MEXICO	: CIVIL ACTION NO. 78-1934
STATE OF OREGON:	: CIVIL ACTION NO. 78-1050
STATE OF UTAH	: CIVIL ACTION NO. 78-2656
STATE OF WASHINGTON	: CIVIL ACTION NO. 78-3081

PRETRIAL ORDER NO. 92

AND NOW, this 22nd day of February, 1980, upon consideration of the motion of the states of Alaska, Arkansas, California, Colorado, Iowa, Missouri, Montana, Nebraska, New Mexico, Oregon, Utah and Washington for reconsideration of Pretrial Orders 85, 86 and 87, it is

ORDERED that the motion be and the same hereby is DENIED.

It is further ORDERED that the alternative motion for certification pursuant to 28 U.S.C. §1292(b) be and the same is hereby DENIED.

BY THE COURT:

/s/ Joseph L. McGlynn
JOSEPH L. McGLYNN, JR.

FILED
Feb. 22, 1980
Michael E. Kunz, Clerk
By_____Dep. Clerk

APPENDIX 3

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 80-1360 March 17, 1980

In re:

FINE PAPER ANTITRUST LITIGATION

States of Alaska, Arkansas, California, Colorado, Iowa, Missouri, Montana, Nebraska, New Mexico, Oregon and Washington,

Petitioners

(MDL Docket No. 323)

Present: ALDISERT and GIBBONS, Circuit Judges, and GERRY, District Judge.

1. Petitioners' motion for a stay, pending completion of review of three orders entered by the Honorable Joseph L. McGlynn, Jr., United States District Judge for the Eastern District of Pennsylvania,
(1) Pretrial Order No. 85, filed January 17, 1980,
(2) Pretrial Order No. 86, filed January 17, 1980, and
(3) Pretrial Order No. 87, filed January 17, 1980,

with Memorandum in support of motion and Affidavit of John R. Ellis,

in the above-entitled case.

Respectfully,

/s/ T. F. Quinn

Clerk

enc.
fm

The foregoing motion is/~~are~~ denied

By the Court,

/s/ Aldisert
Judge

Dated: March 18, 1980

APPENDIX 4

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 80-1360 March 17, 1980

In re:

FINE PAPER ANTITRUST LITIGATION

States of Alaska, Arkansas, California, Colorado, Iowa, Missouri, Montana, Nebraska, New Mexico, Oregon and Washington,

Petitioners

(MDL Docket No. 323)

Present: ALDISERT and GIBBONS, Circuit Judges, and GERRY, District Judge.

1. Petition for Writ of Mandamus Directed to the Honorable Joseph L. McGlynn, Jr., United States District Judge for the Eastern District of Pennsylvania, and Exhibits to Memorandum by certain states in support of Petition for Writ of Mandamus,

in the above-entitled case.

Respectfully,

/s/ T. F. Quinn

Clerk

enc.
fm

The foregoing motion is/~~are~~ denied

By the Court,

/s/ Aldisert
Judge

Dated: March 18, 1980

APPENDIX 5

DEFENDANTS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * * *

INTERROGATORY NO. 12 (Form 1):

For each Purchase Transaction fill out Form #1 concerning background information and attach all contemporaneous lists of qualified and approved fine paper vendors and acceptable mill and merchant brands.

INTERROGATORY NO. 13 (Form 2):

For each Purchase Transaction fill out Form #2 for each defendant and each co-conspirator who sold fine paper to Plaintiff.

INTERROGATORY NO. 14 (Form 3):

For each Purchase Transaction fill out Form #3 for each defendant and each

co-conspirator who unsuccessfully bid or quoted on any of Plaintiff's requirements for fine paper;

INTERROGATORY NO. 15 (Form 4):

For each Purchase Transaction fill out Form #4 for each defendant and each co-conspirator who was eiigible or invited to, but did not, bid or quote on any of Plaintiff's requirements for fine paper;

* * * *

SEE ALL ANSWERS

APPENDIX C

FORM #1

State of _____

Purchase Transaction # _____

[Background of Purchase Transaction # _____]

1. Name and address of purchasing State entity: _____

2. Name, title and address of person who selected the seller(s) for this Purchase Transaction: _____

3. Type of award (check appropriate box): Annual [ ]; Semi-Annual [ ]; Quarterly [ ]; Monthly [ ]; Spot [ ]; Other [ ] (describe if "Other" checked. _____

4. Were sealed bids required for this Purchase Transaction? [ ] yes [ ] no

5. Contract #, bid invitation #, purchase order #, requisition # or other State code identification of this Purchase Transaction: _____

6. Date(s) quotations were solicited: _____, _____, _____

7. Dates of first and last quotations: _____(first) _____(last

8. Date(s) of award: _____, _____, _____

9. How was this Purchase Transaction solicited by the State?
Pre-existing bidders' list [ ];
Bidders' list specially prepared for this Transaction [ ];
Telephone [ ]; Publication [ ]; Letter [ ]; Orally [ ];
Posted in public location [ ]

10. List each mill, merchant or private brand specified by State: _____

TYPE ALL ANSWERS

FORM #1 (cont.)

State of _____

Purchase Transaction # _____

11. List each State location to which seller was required to deliver any product: _____

12. Was this business awarded solely on the basis of the lowest price? [ ] yes [ ] no

13. If answer to #12 is no, describe each factor considered in selecting each seller: _____

14. Check each appropriate box if the U. S. Government [ ]; state political subdivision [ ]; other [ ] paid, or reimbursed state, for any portion of the cost of the product.

15. Did the state agency require or request bidders to deliver product with any printing on it? [ ] yes [ ] no

16. If answer to #15 is yes, did the quotation of any seller include a single price for both the fine paper and the cost of printing? [ ] yes [ ] no

17. If answer to #15 is yes, did any quotation of anyone not awarded any of the business include a single price for both the fine paper and the cost of printing? [ ] yes [ ] no

18. If answer to #15 is yes, did anyone not awarded the business decline to quote because it had no printing facilities? [ ] yes [ ] no

19. Name and address of person who presently has possession of the documents relied upon to fill out this form: _____

TYPE ALL ANSWERS

FORM #1 (cont.)

State of _____

Purchase Transaction # _____

20. Name and address of person who reviewed any documents and supervised the filling out of this form.

_____

_____

_____

21. For each product purchased under this Purchase Transaction, attach all contemporaneous lists of qualified vendors and brand names (clearly specify on each list the name of the State and the Purchase Transaction(s) to which it applies).

22. Supply the following information for each non-defendant, non-co-conspirator who submitted a bid or quotation in connection with this Purchase Transaction (indicate by * if the bidder was awarded any part of the business and plaintiff seeks damages for such award):

NAME AND ADDRESS OF BIDDER	FINE PAPER PRODUCT	PRICE		
		Sheets	Cartons	Converted Product

TYPE ALL ANSWERS

FORM #2

State of _____

Purchase Transaction #_____

[Information concerning EACH defendant/co-conspirator seller]

23. Name and address of seller: _____

_____

_____

24. Name of seller's representative who dealt with State: _____

25. Name and address of State representative who dealt with seller: _____

_____

_____

26. Period of time between first and last purchase under this Purchase Transaction: _____ to _____

27. Did this seller guarantee its quoted price for all purchases under this Purchase Transaction? (check appropriate box) [ ] yes [ ] no

28. The price paid to this seller was determined by:

[ ] seller's first asking price;

[ ] negotiations;

[ ] other. If this box is checked, describe exactly how the purchase price was arrived at.

_____

_____

_____

_____

TYPE ALL ANSWERS

FORM 12 (cont.)

(Name and address of seller _____

_____

_____)

State of

Purchase Transaction #

29. Seller's bid:

	Fine Paper Product	Basis Weight	Color	Brand Name	Quantity			Quoted Price			Was quoted price a discount from list or catalog price?	Amount of charge for special service (cutting, warehousing, etc.)
					Sheets	Cartons	Converted Product	Sheets	Cartons	Converted Product		
(a)												
(b)												
(c)												
(d)												
(e)												
(f)												

30. Total dollar amount and quantity of purchases of each product listed in #29 under this Transaction:

		Sheets	Cartons
(a)	$	(a)	
(b)	$	(b)	
(c)	$	(c)	
(d)	$	(d)	
(e)	$	(e)	
(f)	$	(f)	

FTC 2-8

A 1 C)

TYPE ALL ANSWERS

FORM #3

State of _____

Purchase Transaction # _____

(Information concerning EACH defendant/co-conspirator unsuccessful bidder)

11. Name and address of bidder: _____

12. Name of bidder's representative who dealt with State: _____

13. Name and address of State representative who dealt with this bidder: _____

14. Did this bidder guarantee its quoted price for all purchases under this Purchase Transaction: (check appropriate box) [ ] yes [ ] no

15. State the reasons this bidder was not selected to supply product to the State:

TYPE ALL ANSWERS

FORM 33 (cont.)

(Name and address of bidder: _____

_____

_____)

State of

Purchase Transaction #

16. Bidder's quotation:

	Fine Paper Product	Basis Weight	Color	Brand Name	Quantity			Quoted Price			Was quoted price a discount from list or catalog price?	Amount of charge for special service (cutting, warehousing etc.)
					Sheets	Cartons	Converted Product	Sheets	Cartons	Converted Product		
(a)												
(b)												
(c)												
(d)												
(e)												
(f)												

A 20

TYPE ALL ANSWERS

FORM #4

State of _____

Purchase Transaction # _____

[Identity of each defendant/co-conspirator invited or solicited to submit a bid but who did not do so]

37. Name and address of defendant/co-conspirator:

_____

_____

_____

38. Name and address of defendant/co-conspirator:

_____

_____

_____

39. Name and address of defendant/co-conspirator:

_____

_____

_____

40. Name and address of defendant/co-conspirator:

_____

_____

_____

41. Name and address of defendant/co-conspirator:

_____

_____

_____

42. Name and address of defendant/co-conspirator:

_____

_____

_____

43. Name and address of defendant/co-conspirator:

_____

_____

_____

APPENDIX 7

PLAINTIFF STATE OF OREGON'S ANSWERS AND OBJECTIONS TO DEFENDANTS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * * *

Plaintiff objects to [each "form Interrogatory"] on the grounds that * * * (6) it elicits information which has previously been provided or made available to Defendants: (a) in Plaintiff State of Oregon's Objections and Answers to Defendants' Joint First Wave Interrogatories (Set I), dated May 23, 1978, (b) in Plaintiff State of Oregon's Objections and Answers to Supplemental Class Action Interrogatories Filed by Defendants Potlatch Corporation and Boise Cascade Corporation, dated May 22, 1978, (c) in Plaintiff State of Oregon's Response to

Defendants' Joint First Wave Production of Documents (Set I), dated May 22, 1978, (d) as a result of Plaintiff having produced for Defendants, in response to the aforementioned discovery requests, documents for the period 1973 through 1977 from which the requested information could have been derived or ascertained, all of which were filmed on behalf of Defendants, and (e) as a result of the deposition of Rosalie Sanders, Purchasing Agent for the State of Oregon, which deposition was taken on August 29, 1978.

Without waiving the foregoing objections, Plaintiff answers as follows for the period 1971 through 1972 [the additional two-year period covered by the Settling Defendants "Set II" Interrogatories]: The information requested is not readily available to Plaintiff in

summary form, but can be derived or ascertained from an examination, audit or inspection of the records and files [specifically identified in responses to previous discovery requests] maintained by the Oregon Department of General Services, or from a compilation, abstract or summary based thereon. The burden of deriving or ascertaining such information, however, would be substantially the same for Defendants as for Plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Plaintiff will therefore produce such documents at a mutually agreeable time and place and will afford Defendants a reasonable opportunity to examine, audit and inspect such documents and make copies, compilations, abstracts or summaries thereof.

APPENDIX 8

NOTICE OF MOTION AND MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND TO PRODUCE DOCUMENTS AND FOR SANCTIONS

* * * *

The undersigned defendants hereby move the Court to compel plaintiffs to answer Defendants' Joint Interrogatories Set II and to produce the documents listed in Documents Request No. 3, dated September 19, 1979, and for sanctions.

* * * *

SETTLING DEFENDANTS' MEMORANDUM
IN SUPPORT OF THEIR MOTION TO COMPEL
THE MAJORITY STATES TO ANSWER
SAID DEFENDANTS' JOINT INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
SET II DATED SEPTEMBER 19, 1979
AND FOR SANCTIONS

* * * *

III. PLAINTIFF STATES SHOULD BE REQUIRED TO ANSWER INTERROGATORY NOS. 12-18 REGARDING THE PURCHASE TRANSACTIONS UPON WHICH THEY RELY

* * * *

These states should * * * be required to fully answer Interrogatories Nos. 12-18 herein by completing the forms provided within fourteen (14) days of this Court's order.

* * * *

APPENDIX 9

NOTICE OF MOTION
AND
MOTION OF MAJORITY STATES FOR
RECONSIDERATION OF PRETRIAL
ORDER NOS. 85, 86 & 87
AND
ALTERNATIVE MOTION FOR CERTIFICATION
PURSUANT TO 28 USC § 1292(b) AND STAY

The states of Alaska, Arkansas, California, Colorado, Iowa, Missouri, Montana, Nebraska, New Mexico, Oregon, Utah and Washington (hereinafter referred to as the "Majority States") hereby move for reconsideration of the following pretrial orders entered in these coordinated proceedings:

* * * *

3. Pretrial Order No. 87, dated January 17, 1980, which order granted the Settling Defendants' Motion to Compel Answers to Defendants' Joint Interrogatories and Request for Production of

Documents (Set II).

In the event the Majority States' motion for reconsideration is denied, either in whole or in part, said states hereby move for certification of such orders for interlocutory appeal pursuant to 28 USC § 1292(b) and a stay for such orders pending appeal.

* * * *

APPENDIX 10

AFFIDAVIT OF JESSIE N. SYTSMA CONCERNING COMPLIANCE WITH DEFENDANTS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

STATE OF OREGON)
) ss.
County of Marion)

I, JESSIE N. SYTSMA, being duly sworn on oath, hereby depose and say:

1. I am a paralegal employed by the Antitrust Division of the Oregon Department of Justice. I am personally familiar with the facts and pleadings of this litigation and have spent approximately 40% of my time on this litigation since February, 1978.

2. I am submitting this affidavit in support of the Majority States' motion for reconsideration, particularly with respect to the motion for reconsideration

of the order requiring complete compliance with Defendants' Joint Interrogatories and Request for Production of Documents (Set II) (hereinafter "Set II Interrogatories").

3. On September 19, 1979, defendants served on the State of Oregon the Set II Interrogatories, which sought interrogatory responses with respect to liability issues and required completion of six forms.

4. On October 25, 1979, Plaintiff State of Oregon filed its response to the Set II Interrogatories. Said response included objections to the interrogatories on the grounds that they were overly broad and unduly burdensome, that the information sought had been previously made available to defendants during class action discovery, and that the bur-

den of deriving or ascertaining the information was the same for Plaintiff State of Oregon as for defendants, and thus should be borne by defendants.

5. On January 17, 1980, the Court entered Pretrial Order No. 87, requiring Plaintiff State of Oregon to complete the Set II Requests, in their entirety, within twenty (20) days.

6. In order to ascertain the effort which would be necessary for the State of Oregon to comply with the order, I made an analysis of the information requested on Forms 1 through 4 and of the State's records that contain that information, and I have reached the following conclusions.

7. The records to which reference would have to be made and the approximate volume for the nine-year period specified

by defendants are:

1. Standard Specifications for Paper, Fine Printing:

approx. 18

2. Invitation to Bid:

approx. 18

3. Bids submitted by all bidders:

approx. 90

4. Bid Summaries:

approx. 18

5. Price Agreements (Contracts):

approx. 90

6. Contract Release Orders:

approx. 14,580

7. Purchase Orders (undetermined amount):

at least 1,200

Items 1 through 6 are centrally located. They are maintained by the Department of General Services, Purchas-

ing Division. Records for the current biennium are kept at the Division's office; records for previous years are stored at the Secretary of State's Records Center. These records pertain to purchases that are made by all agencies through the state contract. Purchase orders (item 7) are maintained by the individual agencies and pertain to purchases that are made by methods other than through the state contract. For one agency alone, there are approximately 1,200 purchase orders involved. For other agencies, the number is still undetermined. None of the records included in items 1 through 6, which comprise the greatest portion of records available, are computerized.

8. Samples of all records that would have to be analyzed are attached as

Ex. A, B, C, D, E, F, and G.

9. I am in the process of compiling a summary of the State of Oregon's purchases of fine paper for the year 1974. I have examined Forms 1 through 4, and in light of my experience to date in summarizing the State of Oregon's purchases for the year 1974, have concluded that completion of these forms for the nine-year period requested by defendants will require the following amounts of time:

Form 1: 32.5 hours

This form requires an analysis of bids, bid summaries, price agreements and, to a certain extent, contract release orders.

Form 2: 3895.0 hours

This form requires a detailed analysis of bids, contract release orders

and purchase orders.

Form 3: 504.0 hours

This form requires a detailed analysis of bids.

Form 4: 4.5 hours

This form requires an examination of bids.

Form 1	32.5 hours
Form 2	3895.0 hours
Form 3	504.0 hours
Form 4	4.5 hours
TOTAL:	4436.0 hours

10. A commitment of 4,436 hours would necessitate the hiring of 28 paralegals in order to complete the undertaking in the 20 days allowed. At an average wage of $5.00 per hour, this would cost the State of Oregon approximately $22,000. Completion of the project by Oregon's antitrust staff presently

available for such work would require 554 working days.

11. In addition, and in light of my efforts to date to summarize one year's purchases of fine paper, I estimate that the typing of Forms 1 through 4, as required by the defendants, would require 1,000 hours beyond the time required for paralegal work.

12. Extraction of the information required to complete Forms 1 through 4 of the Set II Interrogatories would be impossible within a reasonable period of time without the substantial commitment of resources itemized in paragraph 10 of this affidavit.

13. The documents from which the requested information must be derived were made available to defendants and were microfilmed at the request of

Defendant Boise Cascade (on behalf of all defendants) in August, 1978.

14. The State of Oregon has no special facilities or expertise which would aid in the extraction of the information required from these records. The burden of extracting this information would be the same for the requesting parties as it would be for the State of Oregon.

DATED this 2nd day of February, 1980.

/s/ Jessie N. Sytsma
JESSIE N. SYTSMA

SUBSCRIBED AND SWORN TO before me this 2nd day of February, 1980.

/s/ D.A. Michael
Notary Public for the
State of Oregon
My Commission
Expires: 5-1-81

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STATE OF OREGON
STANDARD SPECIFICATIONS
FOR

PAPER, FINE PRINTING

SPECIFICATION NUMBER
GROUP 74

November 1, 1973

NOTICE

Retain this specification until superseded as it is effective as dated and will not be included with future invitations to bid.

Published by
PROCUREMENT DIVISION
Department of General Services
General Services Building
1225 Ferry Street, S. E.
Salem, Oregon 97310
Tel. (503) 378-4644

SYTSMA AFF. — EXH. A

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Specification 74-300-3000
Dated November 1, 1973
Superseding 74-300-3000

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

GENERAL SPECIFICATION

FOR

PAPER, FINE PRINTING

1. SCOPE

1.1 This general specification covers printing paper to be used in the various printing plants of the State of Oregon.

1.2 This is a general specification covering requirements common to the different types of paper purchased. The detailed requirements for each individual paper are covered in the item specifications.

2. APPLICABLE SPECIFICATIONS

2.1 There are no other specifications applicable to this specification.

2.2 Other Publications - The following publications of the issues in effect on date of invitation for bids form a part of this specification to the extent that is referenced herein:

Technical Associates of the Pulp and Paper Industry (TAPPI)
American Society for Testing Materials (ASTM)

3. TYPES, CLASSES AND GRADES

3.1 The types, classes and grades shall be listed in the item specifications.

4. REQUIREMENTS

4.1 Silence of Specification - The apparent silence of this specification and supplemental specifications as to any detail, or the apparent omission from it of a detailed description concerning any point, shall be regarded as meaning that only best commercial practice is to prevail and that only materials and workmanship of first quality are to be used.

4.2 Adherence to Specification - Deviations to any of the requirements below shall be stated on the returned bid. Unless so stated by the bidder, the State of Oregon shall assume that all requirements have been met and shall hold the bidder to each part of the specification.

4.3 All paper covered by this specification shall be trimmed four sides.

4.4 The detailed requirements for each type of paper are outlined in the item specifications.

4.5 Qualification Approval - The State reserves the right to reject bids on types or brands of products that have not been field tested for compliance with the specification requirements. The attention of suppliers is called to this requirement, and manufacturers are urged to have the product they propose to offer tested for qualification. Application for qualification should be made to the State Department of General Services, Procurement Division. When so advised, the manufacturer will be required to submit three sample units (folio size, 500 sheets each unit) at no expense to the State, for testing purposes.

4.6 Acceptable Products Lists - The fact that a product is placed on an acceptable products list is evidence that the manufacturer does produce a product that is acceptable. However, such an acceptance does not in any way relieve the manufacturer of his obligation to maintain such quality controls as will insure that deliveries of his product will be no less acceptable than the sample upon which the inclusion was made.

4.7 The paper shall perform satisfactorily for the use intended. Paper found to be unsatisfactory resulting from inherent characteristics, after investigation by the Procurement Division and vendor representative, shall be replaced at the vendor's expense. Investigation shall be initiated within 10 working days after notification to the vendor by the Procurement Division that the paper does not perform satisfactorily.

5. METHODS OF INSPECTION AND TEST

5.1 All sampling, inspection and test procedures, where applicable, shall be conducted according to the standard procedures of the Technical Associates of the Pulp and Paper Industry (TAPPI) and the American Society for Testing Materials (ASTM).

6. PACKAGING, PACKING AND MARKING

6.1 Packaging and Packing - All paper covered by this specification shall be wrapped in accordance with the accepted practice of the industry for that type and quality of paper. All skid packed paper shall be wrapped in moistureproof paper and seam marked.

6.2 Marking - Each carton or skid shall be labelled with the following information on at least two sides:

Dealer or vendor's name
Type or name of paper
Size of sheets
Basis or substance weight
Color of paper
Long or short grain
Number and kind of packages in the carton or skid
State of Oregon Purchase Order Number

5.3 Each package shall be labelled with the following information:

Type or name of paper
Size and number of sheets
Basis or substance weight
Color of paper
Long or short grain

5.4 Packages, cartons and skids shall be so constructed as to permit acceptance by common carrier for transportation at the lowest applicable rate to point of delivery.

Specification 74-300-3010
Date November 1, 1973
Superseding 74-300-2010

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

BOOK PAPER

1. SCOPE

1.1 This item specification covers the following four types of book paper:

Type I	Uncoated Offset Book
Type III	Matte Offset Book
Type IV	Machine Coated Offset Book
Type VIII	Groundwood Offset Book

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-300-3000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 The types are as listed in 1.1.

4. REQUIREMENTS

4.1 Type I - Uncoated Offset Book, Long Grain - Shall be designed especially for lithographic printing, well sized, opaque, precalendered, free of lint and dust, free of acids destructive to plates and blankets.

4.1.1 Colors: White and Colors, colors in Vellum only

4.1.2 Finish: Wove and Vellum

4.1.3

Basic Weight:	50 white only	60	70	80 white only
13½ x 34½		75M white		
17½ x 22½		50M		
23 x 35	85M	102M	119M	136M
25 x 38	100M	120M	140M	160M
25 x 36	95M			

4.1.4 Acceptable Brands - The following products have been approved for purchase:

Aristocrat	Hamilton	Matrix
Artmat	Hammermill	Mountie
Beckett	Keyser	Nekoosa
Carnival	Rowart	

4.2 Type III - Matte Offset Book, Long Grain - Shall be designed especially for lithographic printing, well sized, opaque, preconditioned, free of dust and lint, free of acids destructive to plates and blankets, and free of ground wood.

4.2.1 Colors: White

4.2.2 Finish: Matte

4.2.3 Basis Weight:

	60	70	80	100
16 x 60			104M	
17½ x 22½	50M	58M		83M
23 x 35	102M	119M		
25 x 38	120M	140M	160M	
28 x 42	142M	172M		
25 x 36	114M	133M		

4.2.4 Acceptable Brands:

Matterina Matte Mountie Matte | Patina Matte | Paloma Matte

4.3 Type IV - Machine Coated Offset Book, Long Grain - Shall be a machine coated paper of high gloss, smooth, bright surface, uniform absorbency, high opacity, be the same on both sides, and have good offset printing qualities, and be free of ground wood.

4.3.1 Colors: White only

4.3.2 Finish: High gloss

4.3.3 Basis Weight:

	60	70
23 x 35	102M	119M
25 x 38	120M	140M

4.3.4 Acceptable Brands - The following products have been approved for purchase:

Lithofect Northwest | Productolith | Shascagloss

4.4 Type VIII - Uncoated Groundwood Offset Book Paper, Long Grain

4.4.1 Colors: White

4.4.2 Finish: Regular

4.4.3 Basis Weight:

	45
17½ x 22½	38M
22½ x 35	75M
25 x 38	90M

4.4.4 Acceptable Brands - The following products have been approved for purchase:

Catalina | Inland

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-300-3000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-300-3000, Section 6

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Specification 74-300-1020
Dated November 1, 1972
Superseding 74-300-1020

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

BOND PAPER

1. SCOPE

1.1 This item specification covers the following five types of bond paper:

Type I	75% Rag
Type III	25% Rag
Type IV	Cockle
Type V	#1 Sulphite
Type VI	#4 Sulphite

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-300-3000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 The types are as listed in 1.1

4. REQUIREMENTS

4.1 Type I - 75% Cotton Fiber Bond - Shall be water-marked, have good writing, erasing, rewriting, letterpress and lithographic properties.

4.1.1 Colors: White only

4.1.2 Finish: Smooth or Cockle

4.1.3 Basis Weight: 20

17 x 22	32M
22 x 34	8CM

4.1.4 Cut Sheet Sizes: Basis weight:

8½ x 11	20
8½ x 14	20

4.1.5 Acceptable Brands - The following products have been approved for purchase:

Cold Springs	Ledgeton
National Bank	Success

4.2 Type III - 25% Cotton Fiber Bond - Shall have good writing, erasing, rewriting, letterpress and lithographic properties.

4.2.1 Colors: White only

4.2.2 Finish: Smooth or Cockle

4.2.3 Basis Weight:	13	16	20
17 x 22	25M	12M	40M
22 x 34			80M

4.2.4 Acceptable Brands - The following products have been approved for purchase:

Fox River	Neenah	Rising
Gilbert	Flower	Strathmore

4.3 Type IV - #1 Sulphite Bond (Cockle), Long Grain - Shall be watermarked, have good writing, erasing, rewriting, letterpress and lithographic properties. Tolerance limits for trim: Square with 1/16" overtrim for parent size; with 1/32" tolerance on mill orders.

4.3.1 Colors: White only

4.3.2 Finish: Cockle

4.3.3 Basis Weight:	20
17 x 22	40M
22 x 34	80M

4.3.4 Cut Leaf Sizes:	Basis Weight:
8½ x 11	20

4.3.5 Acceptable Brands - The following products have been approved for purchase:

Cardinal Bond	Nekoosa Cockle
Mead	Servicemark

4.4 Type V - #1 Sulphite Bond, Long Grain - Shall be watermarked with good writing, erasing, rewriting, letterpress and lithographic properties. Tolerance limits for trim: Square with 1/16" overtrim parent size with 1/32" tolerance on mill orders.

4.4.1 Colors: White & Colors

4.4.2 Finish: Smooth

4.4.3 Basis Weight:	16	20
17 x 22	12M white	40M
22 x 34	64M	80M
28 x 34		102M white

4.4.4 Cut Sheet Sizes — Basis Weight:

8½ x 11		20 Xerographic, White
8½ x 11	16	20
8½ x 13	16 White	20 White
8½ x 14		20 White
8½ x 14		20 Xerographic, White
11 x 17		20 White

4.4.5 Acceptable Brands - The following products have been approved for purchase:

Hammermill	Nekoosa
Howard	Neusam
Kimberly	Xerox 1024

4.5 Type VI - 24 Sulphite Bond - Shall be watermarked with good writing, erasing, rewriting, letterpress, and lithographic properties. Tolerance limits for trims shall be square, with 1/16" overtrim permit size with 1/32" tolerance on all others.

4.5.1 Colors: White, blue, buff, canary, goldenrod, green, pink

4.5.2 Finish: Smooth

4.5.3 Basis Weight:

	13	16	20
17 x 22	16M	32M	40M
17 x 28		41 M	
22 x 34	32M	64M	80M
34 x 38		78M	98M
28 x 34		82M	102M

4.5.4 Cut Sheet Sizes: Basis Weights:

8 x 10½	20 white only
8½ x 11	20
8½ x 11	20 Xerographic
8½ x 13	20
8½ x 14	20
8½ x 14	20 Xerographic
11 x 17	20 Long Grain

4.5.5 Acceptable Brands - The following products have been approved for purchase:

Arbor	Cascade	Weisertite
Barcrest	Champion	Westland
Carlton		Xerox 4024

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-100-1000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-100-1000, Section 6.

7. NOTES - Lithographic properties will be given special emphasis.

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Specification 74-100-3030
Dated November 1, 1973
Superseding 74-100-3030

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

COVER PAPER

1. SCOPE - This item specification covers a cast coated and an antique paper.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-100-3000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 Type I - Cast Coated Cover Paper

Type II - Antique

4. REQUIREMENTS

4.1 Type I - Cast Coated Cover Paper - Shall have good letter press, and lithographic qualities, and be suitable for printing in black and white or multicolor.

4.1.1 Colors: White

4.1.2 Finish: Cast Coated one side

4.1.3 Basis Weight or Calipers: 65/.006 .010

23 x 35	80LM
26 x 40	250M

4.1.4 Acceptable Brands - The following products have been approved for purchase:

Kromekote Lustrekote Mead Mark I

4.2 Type II - Antique Cover Paper - Shall have good letter press, and lithographic qualities, and be suitable for printing in black and white or multicolor.

4.2.1 Colors: White and colors

4.2.2 Finish: Antique

4.2.3 Basis Weight: 65

20 x 26	130M
23 x 33	201M
26 x 40	250M

4.2.4 Acceptable Brands - The following products have been approved for purchase:

Beckett	Zanmermill	Strathmore
Carnival	Howard	Sun Ray

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-300-3000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-300-3000, Section 6.

Specification 74-100-2040
Dated November 1, 1973
Superseding 74-100-2040

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

DUPLICATOR PAPER

1. SCOPE-- This item specification covers duplicator paper.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-100-1000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 Type I - Duplicator paper

4. REQUIREMENTS

4.1 Type I - Duplicator paper, #4 Sulphite - Shall be designed for maximum efficiency in either gelatin, spirit, or direct process in duplicating.

4.1.1 Colors: White and Colors

4.1.2 Finish: Smooth

4.1.3 Basis Weight: 20

22 x 34 80M

4.1.4 Cut Ream Sizes: Basis Weight:

8½ x 11 White & Color	20
8½ x 13	20
8½ x 14	20

4.1.5 Acceptable Brands - The following products have been approved for purchase:

Ardor	Champion	Westland
Baronet (Grays Harbor)		
Carlton	Spring Hill (International)	
Cascade #4		

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-100-1000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-100-1000, Section 6.

Specification 74-300-3050
Dated November 1, 1972
Superseding 74-300-3050

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

GUM PAPER

1. SCOPE - This item specification covers gum paper.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-300-3000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 Type I - Gum Paper

4. REQUIREMENTS

4.1 Type I - Gum Paper - Shall be a super calendered paper with a dry finish, have good printing and writing properties on both sides with the ability to lay flat and not curl at back after printing.

4.1.1 Colors: White, blue, goldenrod, green, pink

4.1.2 Sizes: 17 x 22 (White only)
10 x 15

4.1.3 Acceptable Brands - The following products have been approved for purchase:

Brown-Bridge (Thrifty or Amity)	Dennison #4613
Davac	3M Brand

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-300-3000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-300-3000, Section 6.

Specification 74-300-3060
Dated November 1, 1973
Superseding 74-300-3060

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

INDEX BRISTOLS, BOARDS

1. SCOPE

1.1 This item specification covers the following three types of index bristols and boards:

Type I	#4 Sulphite Index
Type II	Tag Board
Type III	Chip Board

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-300-3000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 The types are as listed in 1.1.

4. REQUIREMENTS

4.1 Type I - #4 Sulphite Index, Short Grain - Shall be unwater-marked, have good writing, erasing, rewriting, letter-press and litho-graphic properties.

4.1.1 Colors: White, blue, buff, salmon, green, canary

4.1.2 Finish: Smooth

4.1.3 Basis Weight:

	90	110	140
22½ x 35		22IM	
25½ x 30½	18GM	22GM	28GM

4.1.4 Acceptable Brands - The following products have been approved for purchase:

Exact Husky Exact Springhill

4.2 Type II - Tagboard, all purposes - Shall be of white or semi-bleached Kraft, with good strength, folding and printing qualities. Short Grain.

4.2.1 Colors: White or Natural semi-bleached Kraft

4.2.2 Finish: Smooth

4.2.3 Basis Weight:	100	125	150	200
Calipers:	.0075	.0086	.0106	.0141
24 x 36 24 x 41 30 x 41	100M	250M	100M 342M 426M	400M

4.2.4 Acceptable brands - The following products have been approved for purchase:

Husky Springhill

4.3 Type III - Chipboard - Shall be free from metallic foreign matter, packed in bundles of 50 pounds, and be suitable for book sewing.

4.3.1 Colors: Natural grey				
4.3.2 Basis Size:	13	20	40	30 to 90
13 x 13 19 x 40				

4.3.3 Acceptable brands - The following products have been approved for purchase:

Fiberboard Georgia Pacific National Utility

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-100-3000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-100-3000, Section 6.

Specification 74-300-1070
Dated November 1, 1973
Superseding 74-300-1070

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

LEDGER PAPER

1. SCOPE

1.1 This item specification covers the following types of ledger paper:

Type I 100% Rag

Type III #4 Sulphite

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-300-1000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 The types are listed in 1.1.

4. REQUIREMENTS

4.1 Type I - 100% New White Linen and Cotton Fiber - Shall be watermarked with perfect writing, erasing, rewriting, letterpress, and lithographic properties.

4.1.1 Colors: White

4.1.2 Finish: Smooth

4.1.3 Basis Weight: 16

24 x 38 176

4.1.4 Acceptable Brands - The following products have been approved for purchase:

Anniversary Byron-Weston Dreadnaught

4.2 Type III - #4 Sulphite Ledger - Shall be cut sized, unwatermarked, writing, erasing, rewriting, letterpress and lithographic properties.

4.2.1 Colors: White, buff, green tint

4.2.2 Finish: Smooth

4.2.3 Basis Weight:

	24	28	32	36
22½ x 34½	100M	116M	133M	149M
24 x 38	116M			176M

4.2.4 Acceptable Brands - The following products have been approved for purchase:

Baronet	Energy	Springhill
Carlton	Exact	
Cascade	Moistrite	

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-300-3000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-300-3000, Section 6.

A 57

Specification 74-100-1080
Dated November 1, 1973
Superseding 74-100-1080

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

MIMEOGRAPH BOND PAPER

1. SCOPE - This item specification covers mimeograph bond paper.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-100-0000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 Type I. #4 Sulphite Mimeograph

4. REQUIREMENTS

4.1 Type I - #4 Sulphite Mimeograph Bond - Shall be unwater-marked, perform well for stencil duplicating, letter-press and litho-graphic printing, take pen and ink well.

4.1.1 Colors: White, buff, green, blue, goldenrod, pink, canary

4.1.2 Finish: Wove

4.1.3 Basis Weight: 20

17 x 22	40M
22 x 34	80M
28 x 34	100M

4.1.4 Cut Ream Sizes: Basis Weight:

8½ x 11	20	24 white only
8½ x 13	20 white only	
8½ x 14	20	24 white only

4.1.5 Acceptable Brands - The following products have been approved for purchase:

Arbor	Cascade	Weldrite
Baronet	Champion	Westland
Carlton		

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-100-0000, Section 5.

5. PACKAGING, PACKING AND MARKING

5.1 See State of Oregon Specification 74-300-3000, Section 5.

Specification 74-100-3090
Dated November 1, 1977
Superseding 74-100-3090

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATIONS

FOR

CARBONLESS PAPER, CHEMICAL SELF-CONTAINED

1. SCOPE - This specification covers bond and ledger carbonless, chemical self-contained paper.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-100-3000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 Type I #4 Sulphite Bond
Type II #4 Sulphite Ledger
Type III #4 Sulphite Tagboard

4. REQUIREMENTS

4.1 Type I - #4 Sulphite Bond, Short Grain - Shall be unwater-marked with good writing, erasing, rewriting, letter-press and litho-graphic properties.

4.1.1 Colors: White, blue, buff, canary, goldenrod, green, pink.

4.1.2 Finish: CF, CB, and CFB

4.1.3 Basis Weight: 13(CF, CB), 17(CFB)

4.1.4 Sizes
11 x 14½

Cut Ream Sizes
8½ x 11

4.1.5 Acceptable Brand: The following brands have been approved for purchase:

NCR Transcrita Nashua

4.2 Type II - #4 Sulphite Ledger - Same properties listed for Type I above except finish to be clay coated CF - 2 sides, CB - 1 side, CF - 1 side or CFB, colors to be buff, green tint.

4.2.1 Sizes 22½ x 34¼

4.2.2 Acceptable Brand: The following brands have been approved for purchase:

MCR Transcrite Nashua

4.3 Type III - #4 Sulphite Tagboard - Shall be manufacturer-marked with good writing, erasing, rewriting, letter-press and lithographic properties.

4.3.1 Colors: Manila

4.3.2 Finish: CF

4.3.3 Sizes: 22½ x 34¼ (138M)

4.3.4 Acceptable Brands: The following brands have been approved for purchase:

MCR Transcrite Nashua

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-100-1000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-100-1000, Section 6.

Specification 74-300-[illegible]
Dated November [illegible]
Supersedes [illegible]

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

NEWSPRINT

1. SCOPE - This item specification covers newsprint paper.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-300-3000 shall form a part of this specification.

3. TYPE, CLASSES AND GRADES

3.1 Type I - Newsprint

4. REQUIREMENTS

4.1 Type I - Newsprint - Shall be of good [illegible], strength and general printing qualities.

4.1.1 Colors: White only

4.1.2 Finish: Smooth

4.1.3 Basis Weight: 32

22 x 33	37M
24 x 36	44M

4.1.4 Acceptable Brands - The following products have been approved for purchase:

Crown Powell River Superior Western

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-300-3000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-300-3000, Section 6.

Specification 74-300-1110
Dated November 1, 1970
Superseding 74-300-1110

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

SECOND SHEETS

1. SCOPE - This item specification covers "Second Sheet" paper, used for typewriter carbon copies.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-300-3000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 Type I - Second Sheets

4. REQUIREMENTS

4.1 Type I - Second Sheets - Shall have a minimum of 70% and a maximum of strength.

4.1.1 Colors: Canary

4.1.2 Finish: Smooth

4.1.3 Cut Ream Size: Basic Weight:

8½ x 11 14

4.1.4 Acceptable Brands - the following products have been approved for purchase:

Canary Juno Millcoat

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-300-3000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-300-3000, Section 6.

Specification 74-100-1120
Dated November ..., ...
Superseding 74-100-1120

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

TEST PAPERS

1. SCOPE - This item specification covers the following four types of test papers:

Type I	100% Rag
Type II	25% Rag
Type III	#1 Sulphite
Type IV	#4 Sulphite

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-100-1000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1

Type I	100% New cotton fibers
Type II	25% New cotton fibers
Type III	#1 Sulphite
Type IV	#4 Sulphite

4. REQUIREMENTS

4.1 Type I - 100% New Cotton Fibers - Shall be watermarked, have good writing, erasing, rewriting and printing properties.

4.1.1 Colors: White only

4.1.2 Finish: Cockle

4.1.3 Basis Weight: 9

17 x 22	18M
17 x 28	22M

4.1.4 Cut Ream Sizes: Basis Weight:

8½ x 11	9
8½ x 14	9

4.1.5 Acceptable Brands - The following products have been approved for purchase:

Anniversary (Fox River) 316 Council Tree
Gibraltar (Millers Falls)

4.2 Type II - 13M New Cotton Fibers - Shall be watermarked, with good writing, erasing, rewriting and printing properties.

4.2.1 Color: White only

4.2.2 Finish: Cockle

4.2.3 Basis Weight: 9

17 x 22	13M
17 x 28	23M

4.2.4 Acceptable Brands - The following products have been approved for purchase:

Clear Copy	Gilbert	Neenah
Fox River	Miller-Falls	

4.3 Type III - #1 Sulphite - Shall be watermarked, have good writing, erasing, rewriting and printing properties, with no foreign matter and free of pin-holes, with tight formation and good lie-flat qualities.

4.3.1 Colors: White, blue, canary, pink, green

4.3.2 Finish: Unglazed

4.3.3 Basis Weight: 9

17 x 22	13M
17 x 28	23M

4.3.4 Cut Ream Sizes: Basis Weight:

8½ x 11	9
8½ x 14	9

4.3.5 Acceptable Brands - The following products have been approved for purchase:

Fletcher Sea Foam

4.4 Type IV - #4 Sulphite - Shall have good writing, erasing, rewriting and printing properties, with no foreign matter and free of pin-holes, with tight formation and good lie-flat qualities.

4.4.1 Colors: White, blue, canary, pink, green

4.4.2 Finish: Unglazed

4.4.3 Cut Ream Sizes: Basis Weight:

8½ x 11	9
8½ x 14	9

4.4.4 Acceptable Brands - The following products have been approved for purchase:

Alpena
Badger
Huron
Other

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-100-1000, Section 5.

6. PACKAGING, PACKING AND MARKING

6.1 See State of Oregon Specification 74-100-1000, Section 6.

Specification 74-300-3130
Dated November 1, 1977
Superseding 74-300-2130

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

NOTEBOOK PAPER

1. SCOPE - This item specification covers Notebook Paper - Type I, 1-Hole, Round Corner Notebook Paper.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-300-3000 (Latest Issue) Part of this specification.

3. TYPES, CLASSES, AND GRADES

3.1 Type I - 1-Hole, Round Corner Notebook Paper

4. REQUIREMENTS

4.1 Type I - 1-Hole, Round Corner Notebook Paper - Shall have good writing, erasing, rewriting properties.

4.1.1 Colors: White only

4.1.2 Cut Ream Sizes: Basis Weight: 13#

8½ x 5½ Wide Ruled
8½ x 5½ Narrow Ruled
8½ x 5½ Plain
8½ x 11 Wide Ruled
8½ x 11 Narrow Ruled
8½ x 11 Plain

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-300-3000, Section 5.

6. PACKAGING, PACKING, AND MARKING

6.1 See State of Oregon Specification 74-300-3000, Section 6.

Specification 74-100-1140
Dated November 1, 1977
Superseding 74-100-1140

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES
PROCUREMENT DIVISION
SALEM, OREGON

STANDARD SPECIFICATION

FOR

RECLAIMED PAPER

1. SCOPE - This item specification covers Reclaimed Paper.

2. APPLICABLE SPECIFICATIONS

2.1 State of Oregon Specification 74-100-1000 shall form a part of this specification.

3. TYPES, CLASSES AND GRADES

3.1 Type I Offset Book

4. REQUIREMENTS

4.1 Type I - Reclaimed, Offset Book Paper with 75-100% reclaimed fibers

4.1.1 Color: White only

4.1.2 Basis Weight: 60#

11 x 17
25 x 38
23 x 35
25 x 38

4.1.3 Cut Ream Sizes:

8½ x 11

4.1.4 Acceptable Brands - Any brand whose paper contains 75-100% reclaimed fibers

5. METHODS OF INSPECTION AND TEST

5.1 See State of Oregon Specification 74-100-1000, Section 5.

6. PACKAGING, PACKING, AND MARKING

6.1 See State of Oregon Specification 74-100-1000, Section 6.

PURCHASING DIVISION
DEPARTMENT OF GENERAL SERVICES
GENERAL SERVICES BUILDING
SALEM, OREGON 97310

INVITATION TO BID

Page 1 of 8 Pgs

13-411-3-73
BID NUMBER

3:00 PM PST 12-3-73
OPENING TIME AND DATE

74-100
COMMODITY CLASS NO.

DATE OF INVITATION	DELIVERY DESTINATION — ALL BIDS F.O.B. DESTINATION	PURCHASING AGENT
11-7-73	SEE BELOW	T. F. Hill

NOTE

Where the product offered is other than the proprietary product designated, the bidder must specifically identify in the proper column the product offered. This identification must be complete, and it should include, but not necessarily be limited to, the manufacturer, the brand name, and the model or series. This information is deemed material to the evaluation of the bid, and the State reserves the right to reject any bid as being invalid when the information submitted as to the product or service offered is judged to be incomplete. The foregoing also applies to items where the State's product description is by specification rather than product trade name.

STATE PURCHASING PAPER - SEE BELOW

This is an invitation to bid on furnishing fine printing paper, out of the stock, to State agencies and political subdivisions as listed below for a period of one year beginning January 1, 1974.

State Printing Plant	Salem
Central Duplicating	Salem
Central Stores	Salem
Oregon State University Printing	Corvallis
University of Oregon Printing	Eugene
Portland State University Printing	Portland
University of Oregon Medical School	Portland
Central Duplicating	Portland
Eastern Oregon College	La Grand
Oregon Institute of Technology	Klamath Falls
Southern Oregon College	Ashland
Linn-Benton L.E.D.	Albany
City of Newport	Newport
Monument High School	Monument
Polk County L.E.D.	Dallas
Marion County Court House	Salem
Union County School District #1	La Grand
Union County L.E.D.	La Grand
Astoria School District #1C	Astoria
Clatsop Community College	Astoria
Willamalane Park & Recreation District	Springfield
Jackson County L.E.D.	Medford
Gold Beach Union High School District #1	Gold Beach
Ashland School District #5	Ashland
Portland Community College	Portland
North Clackamas School District #12	Milwaukie
City of Salem	Salem
Columbia District Hospital	St. Helens

ALL BIDS ARE SUBJECT TO THE TERMS AND CONDITIONS STATED ON THE REVERSE SIDE

SYTSMA AFF. — EXH. B

PROCUREMENT DIVISION
DEPARTMENT OF GENERAL SERVICES
GENERAL SERVICES BUILDING
155 COURT STREET
SALEM, OREGON 97310

INVITATION TO BID

Page 1 of 3 Pgs

13-8113-71
BID NUMBER

1:00 PM PST 12-3-73
OPENING TIME AND DATE

74-300
COMMODITY CLASS NO.

DATE OF INVITATION	ORDERING AGENCY AND DELIVERY DESTINATION — ALL BIDS F.O.B. DESTINATION	PURCHASING AGENT
11-7-73	SEE BELOW	C. F. Hill

NOTE

Where the product offered is other than the proprietary product designated, the bidder must specifically identify in the proper column the product offered. This identification must be complete, and it should include, but not necessarily be limited to, the manufacturer, the brand name, and the model or series. This information is deemed material to the evaluation of the bid, and the State reserves the right to reject any bid as being invalid when the information submitted as to the product or service offered is judged to be incomplete. The foregoing also applies to items where the State's product description is by specification rather than product trade name.

FINE PRINTING PAPER - ONE YEAR

This is an invitation to bid on furnishing fine printing paper, cut or in reels, to State agencies and political subdivisions as listed below for a period of one year beginning January 1, 1974.

State Printing Plant	Salem
General Duplicating	Salem
General Stores	Salem
Oregon State University Printing	Corvallis
University of Oregon Printing	Eugene
Portland State University Printing	Portland
University of Oregon Medical School	Portland
General Duplicating	Portland
Eastern Oregon College	La Grand
Oregon Institute of Technology	Klamath Falls
Southern Oregon College	Ashland
Linn-Benton I.E.D.	Albany
City of Newport	Newport
Monmouth High School	Monmouth
Polk County I.E.D.	Dallas
Marion County Court House	Salem
Union County School District #1	La Grand
Union County I.E.D.	La Grand
Astoria School District #1C	Astoria
Clatsop Community College	Astoria
Willamalane Park & Recreation District	Springfield
Jackson County I.E.D.	Medford
Gold Beach Union High School District #1	Gold Beach
Ashland School District #5	Ashland
Portland Community College	Portland
North Clackamas School District #12	Milwaukie
City of Salem	Salem
Columbia District Hospital	St. Helens

ALL BIDS ARE SUBJECT TO THE TERMS AND CONDITIONS STATED ON THE REVERSE SIDE

SYTSMA AFF. — EXH. B

PROCUREMENT DIVISION
DEPARTMENT OF GENERAL SERVICES
GENERAL SERVICES BUILDING
155 CAPITOL STREET
SALEM, OREGON 97310

INVITATION TO BID

Page 1 of 3 Pages

13-4119-73
BID NUMBER

1:00 PM PST 12-3-73
OPENING TIME AND DATE

76-100
COMMODITY CLASS NO.

DATE OF INVITATION	OPENING AGENCY AND DELIVERY DESTINATION — ALL BIDS F.O.B. DESTINATION	PURCHASING AGENT
11-7-73	SEE BELOW	T. P. Hill

NOTE

Where the product offered is other than the proprietary product designated, the bidder must specifically identify in the proper column the product offered. This identification must be complete, and it should include, but not necessarily be limited to, the manufacturer, the brand name, and the model or series. This information is deemed material to the evaluation of the bid, and the State reserves the right to reject any bid as being invalid when the information submitted as to the product or service offered is judged to be incomplete. The foregoing also applies to items where the State's product description is by specification rather than product trade name.

FINE PRINTING PAPER - ONE YEAR

This is an invitation to bid on furnishing fine printing paper, out of the stock, to State agencies and political subdivisions as listed below for a period of one year beginning January 1, 1974.

State Printing Plant	Salem
Central Duplicating	Salem
Central Stores	Salem
Oregon State University Printing	Corvallis
University of Oregon Printing	Eugene
Portland State University Printing	Portland
University of Oregon Medical School	Portland
Central Duplicating	Portland
Eastern Oregon College	La Grande
Oregon Institute of Technology	Klamath Falls
Southern Oregon College	Ashland
Linn-Benton J.C.D.	Albany
City of Newport	Newport
Monument High School	Monument
Polk County J.C.D.	Dallas
Marion County Court House	Salem
Union County School District #1	La Grande
Union County J.C.D.	La Grande
Astoria School District #1C	Astoria
Clatsop Community College	Astoria
Willamalane Park & Recreation District	Springfield
Jackson County J.C.D.	Medford
Gold Beach Union High School District #1	Gold Beach
Ashland School District #5	Ashland
Portland Community College	Portland
North Clackamas School District #12	Milwaukie
City of Salem	Salem
Columbia District Hospital	St. Helens

ALL BIDS ARE SUBJECT TO THE TERMS AND CONDITIONS STATED ON THE REVERSE SIDE

SYTSHA AFF. — EXH. B

PROCUREMENT DIVISION
DEPARTMENT OF GENERAL SERVICES
GENERAL SERVICES BUILDING
155 COTTAGE STREET
SALEM, OREGON 97310

INVITATION TO BID

Page 1 of 3 Pages

	18-8119-71
	3:00 PM PST 12-1-71
	74-300

LIST OF INVITATION	SHIPPING AGENT AND DELIVERY DESTINATION		PURCHASING AGENT
11-7-71	SEE BELOW	ALL BIDS F.O.B. DESTINATION	T. P. Hall

NOTE

Where the product offered is other than the proprietary product designated, the bidder must specifically identify in the proper column the product offered. This identification must be complete, and it should include, but not necessarily be limited to, the manufacturer, the brand name, and the model or series. This information is deemed material to the evaluation of the bid, and the State reserves the right to reject any bid as being invalid when the information submitted as to the product or service offered is judged to be incomplete. The foregoing also applies to items where the State's product description is by specification rather than product trade name.

FINE PRINTING PAPER - ONE YEAR

This is an invitation to bid on furnishing fine printing paper, out of the stock, to State agencies and political subdivisions as listed below for a period of one year beginning January 1, 1974.

State Printing Plant	Salem
Central Duplicating	Salem
Central Stores	Salem
Oregon State University Printing	Corvallis
University of Oregon Printing	Eugene
Portland State University Printing	Portland
University of Oregon Medical School	Portland
Central Duplicating	Portland
Eastern Oregon College	La Grande
Oregon Institute of Technology	Klamath Falls
Southern Oregon College	Ashland
Linn-Benton I.E.D.	Albany
City of Newport	Newport
Monument High School	Monument
Polk County I.E.D.	Dallas
Marion County Court House	Salem
Union County School District #1	La Grande
Union County I.E.D.	La Grande
Astoria School District #1C	Astoria
Clatsop Community College	Astoria
Willamalane Park & Recreation District	Springfield
Jackson County I.E.D.	Medford
Gold Beach Union High School District #1	Gold Beach
Ashland School District #5	Ashland
Portland Community College	Portland
North Clackamas School District #12	Milwaukie
City of Salem	Salem
Columbia District Hospital	St. Helens

ALL BIDS ARE SUBJECT TO THE TERMS AND CONDITIONS STATED ON THE REVERSE SIDE

SYTSMA AFF. — EXH. B

Sestrunk Union High School	Cloverdale
City of Lane	Lane
School District 17C	Brookings
Tallows Memorial Hospital	Enterprise
Marion County Housing Authority	Salem
City of Burns	Burns
Corvais Union High School	Corvais
Union School District 33	Union

PERFORMANCE BOND

Upon notification of award, the successful bidder will be required, within 10 days, to furnish a performance bond in the amount of $3,000.00, executed in favor of the State to insure faithful performance.

RENEWAL

At the option of the State, the contract may, on 30 days written notice to the contractor, be extended for additional yearly periods, but not to exceed two such extensions.

ESTIMATED QUANTITY

Purchases during the period of the agreement are estimated to be as shown in the "Estimated Quantity" column on the proposal. This figure is an estimate only. The State does not guarantee that this amount or any amount will be purchased.

ESCALATION CLAUSE

Prices will be subject to increase or decrease in the same amount as changes in the manufacturer's price list, providing the vendor requests an adjustment from the Procurement Division 15 days prior to the effective date. The written request shall be accompanied by the manufacturer's price list and is subject to acceptance by the Procurement Division. The State shall have the option of accepting the price change or cancelling the balance of the agreement. All manufacturer's price decreases must be offered to the State.

F.O.B.

All prices shall be on a delivered basis to Portland, Salem, Corvallis, and Eugene. Deliveries to other destinations will be prepaid to the nearest designated freight free point, with balance of shipping costs being prepaid and added to the invoice. However, orders amounting to less than 10,000 lbs. from one mill may be invoiced F.O.B. Destination, with transportation cost from the vendor's warehouse prepaid and added to the invoice. (Back orders of prepaid shipments shall also be prepaid).

ORDERING

State agencies and institutions may issue Contract Release Orders directly to the vendor. Other authorized political subdivisions are required to forward Purchase Request forms to Procurement Division for issuance of Contract Release Orders.

All paper shall be ordered in customary mill unit quantities; for example, as "packages" or "broken cartons" will be ordered.

[illegible]

The vendor shall be expected to deliver 10,000 lb. orders within 90 calendar days after receipt of order.

10,000 lb. orders not received within 90 calendar days shall be filled immediately by supplier from warehouse stock at the 10,000 lb. price.

Warehouse deliveries shall be completed within 3 days.

[illegible]

The 10,000 lb. price applies to any combination of items on one order totaling 10,000 lbs. or more from one mill.

[illegible]

Invoices must be directed to the ordering agency per instructions on the "Contract Release Order".

[illegible]

On the proposal, the figure in the "Warehouse Stock Required" column ..presents the percentage of "Estimated Quantity" which the supplier is required to carry in stock to insure immediate delivery.

[illegible]

Award will be made by item-number lot (such as 1-10) or less as in the best interest of the State. Total price will be CALCULATED, BASED ON ESTIMATED QUANTITIES AS FOLLOWS:

- [illegible] 1, 3-7 and 9-13 - 10,000 lb. price weighted 95% plus warehouse price weighted 5%
- Items 2, 8, 14 - warehouse price

[illegible]

Terms or cash discount offered with less than thirty days for payment will be considered to be net for award purposes.

[illegible]

Paper of same type as contract shall be furnished at same rate of discount as contract item. Orders for nonstandard sizes shall adhere to individual mill policies relative to minimums.

[illegible]

Brands proposed shall appear on State Specifications 74-100-1012 through 1140 and comply with General Specification 74-100-1000.

Bid No. 18-8119-71
Page ___ of 8 pages

PROPOSAL

The undersigned submits the following bid for furnishing Fine Printing Paper, Cut Leaf Stock to State agencies and political subdivisions as designated on bid #18-8119-71 for a period of one year beginning January 1, 1974.

Item	Description	Chas. Stock Reg.	Estimated Quantity	10,000 Lb. Price	Warehouse Price	Brand	Mill
	SPEC. 74-300-3010						
1	Type I: 75% Rag Bond						
1a	8½ x 11 - 20# White		1,150 rm.				
1b	8½ x 14 - 20# White		30 rm.				
2	Type II: #1 Sulphite Cockle Bond						
2a	8½ x 11 - 20#, White	ST	8,345 rm.				
3	Type V: #1 Sulphite Bond, carton pack, ream wrap						
3a	8½ x 11 - 16# White	ST	1,015 rm.				
3b	8½ x 11 - 20# White	ST	18,215 rm.				
3c	8½ x 13 - 16# White		3,000 rm.				
3d	8½ x 13 - 20# White		5 rm.				
3e	8½ x 14 - 20# White		1,700 rm.				
3f	11 x 17 - 20# White		150 rm.				
3g	8½ x 11 - 20# Color		1,030 rm.				
4	Type V: #1 Sulphite Bond, Kerogravure, White, carton pack, ream wrap						
4a	8½ x 11 - 20#		13,910 rm.				
4b	8½ x 14 - 20#		4,010 rm.				
5	Type VI: #1 Sulphite Bond For Offset Printing White, carton pack, ream wrap						
5a	8½ x 11 - 16#		10,100 rm.				

Bid No. 18-8119-73
Page 3 of 8 pages

Item	Description	Wbse. Stock Req.	Estimated Quantity	10,000 lb. Price	Carton-load Price	Brand	Mill
	Type VII: 96 Sulphite Bond Coated.						
5b	8½ x 11 - 20#	ST	131,475 rm				
5c	8½ x 13 - 20#		3,033 rm				
5d	8½ x 14 - 20#		4,380 rm				
5e	11 x 17 - 20#		3,825 rm				
	Color: Carton pack, ream wrap						
5f	8½ x 11 - 16#		7,080 rm				
5g	8½ x 11 - 20#		11,043 rm				
5h	8½ x 14 - 20#		630 rm				
5i	11 x 17 - 20#		1,040 rm				
	SPEC. 74-300-1040						
6	Type II: Duplicator, Carton Pack, White, ream wrap.						
6a	8½ x 11 - 20# - White	ST	87,300 rm				
6b	8½ x 13 - 20# - White		10 rm				
6c	8½ x 14 - 20# - White		4,173 rm				
	Color: Carton pack, ream wrap						
6d	8½ x 11 - 20#		16,250 rm				
	SPEC. 74-300-1080						
7	Type II: 96 Sulphite Micro Bond White, Carton pack						
7a	8½ x 11 - 20#	ST	83,100 rm				
7b	8½ x 11 - 24#		120 rm				
7c	8½ x 13 - 20#		1,000 rm				
7d	8½ x 14 - 20#		1,445 rm				
	Color: Carton pack						
7e	8½ x 11 - 20#	ST	12,310 rm				
7f	8½ x 14 - 20#		143 rm				

Bid No. 18-8113-71
Page 4 of 8 pages

Item	Description	Whse. Stock Req.	Estimated Quantity	10,000 lb. Price	Warehouse Price	Brand	Mill
	SPEC. 74-300-3090						
8	Type I: Bond Carbonless Paper, Chemical Self-Contained (Al Sulphite Bond Carton Pack						
8a	8½ x 11 - White CB		350 rm				
8b	8½ x 11 - White CF		60 rm				
8c	8½ x 11 - White CFB		750 rm				
8d	8½ x 11 - Color CF		320 rm				
8e	8½ x 11 - Color CFB		480 rm				
	SPEC. 74-300-3110						
9	Type II: Second Sheets (Canary) Intermediate Director Paper						
9a	8½ x 11 - 16# Canary, Carton pack		5,420 rm				
	SPEC. 74-300-3120						
10	Type I: 100% Rag Chlorafree White, Carton pack						
10a	8½ x 11 - 90		1,445 rm				
10b	8½ x 14 - 90		45 rm				
11	Type III: 25 Sulphite, Chlorafree White Carton Pack						
11a	8½ x 11 - 90		1,275 rm				
11b	8½ x 14 - 90		10 rm				
	Color Carton Pack						
11c	8½ x 11 - 90		1,330 rm				
12	Type IV: 25 Sulphite, Chlorafree White Carton Pack						
12a	8½ x 11 - 90		480 rm				
	Color Carton Pack						
12b	8½ x 11 - 90		110 rm				

Bid No. 18-8119-73
Page 7 of 8 pages

Item	Description	Wms Stock Req.	Estimated Quantity	10,000 lb. Price	Warehouse Price	Brand	Mill
	SPEC. 74-300-3130						
13	Type I: Notebook Paper White, Carton Pack						
13a	8½ x 5½ - 150 Wide Ruled		100 rm				
13b	8½ x 5½ - 150 Narrow Ruled		445 rm				
13c	8½ x 5½ - 150 Plain		15 rm				
13d	8½ x 11 - 150 Wide Ruled		1,345 rm				
13e	8½ x 11 - 150 Narrow Ruled		1,325 rm				
13f	8½ x 11 - 150 Plain		1,300 rm				
	SPEC. 74-300-3140						
14	Type I: Office Book, Carton Pack						
14a	8½ x 11 - 600		300 rm				
14b	11 x 17 - 600		4,300 rm				
15	Standard 3-mile permit surcharge				Per Ream		

continued.....

PROPOSAL

The undersigned submits the following bid for furnishing Fine Printing Paper, Cut Ream Stock to State agencies and political subdivisions as designated on bid #18-4119-73 for a period of one year beginning January 1, 1974.

Item	Description	Whse. Stock Req.	Estimated Quantity	10,000 lb. Price	Warehouse Price	Brand	Mill
	SPEC. 74-300-1020						
1	Type I: 75% Rag Bond						
1a	8½ x 11 - 20# White		1,150 rm.	3.73	4.28	Cold Springs	Whiting Plover
1b	8½ x 14 - 20# White		30 rm.	4.71	5.12		
2	Type IV: #1 Sulphite Cockle Bond						
2a	8½ x 11 - 20#, White	ST	5,885 rm.		2.32	Scriptmark	Hamilton
	Type V: #1 Sulphite Bond, carton pack, ream wrap						
3a	8½ x 11 - 16# White	ST	1,313 rm.	1.78	1.97	Hamilton Bond	Grays Harbor
3b	8½ x 11 - 20# White	ST	18,215 rm.	1.44	1.99		
3c	8½ x 13 - 16# White		5,000 rm.	1.47	1.88		
3d	8½ x 13 - 20# White		3 rm.	1.95	2.23		
3e	8½ x 14 - 20# White		1,700 rm.	2.17	2.41		
3f	11 x 17 - 20# White		250 rm.	2.33	2.80		
3g	8½ x 11 - 20# Color		1,030 rm.	1.73	2.22		
	Type 7: #1 Sulphite Bond, Xerographic, white, carton pack, ream wrap						
4a	8½ x 11 - 20#		11,700 rm.	1.58	1.89	Hamilton Xerocopy	Grays Harbor
4b	8½ x 14 - 20#		4,010 rm.	2.11	2.41		
5	Type VI: 44 Sulphite Bond For Offset Printing White, carton pack, ream wrap						
5a	8½ x 11 - 16#		12,000 rm.	1.06	1.21	Barrett	Grays Harbor

BYTSMA AFF. - EXH. C

[illegible] No. 13-8119-73
[illegible] 5 of 8 pages

Item	Description	Whse. Stock Reg.	Estimated Quantity	10,000 lb. Price	Warehouse Price	Brand	Mill
	Type VI: 64 Sulphite Bond Cont'd.						
[illegible]	8½ x 11 - 20#	ST	132,475 rm	1.27	1.45	Baronet	Grays Harbor
[illegible]	8½ x 13 - 20#		3,035 rm	1.49	1.71		
[illegible]	8½ x 14 - 20#		4,380 rm	1.61	1.84		
[illegible]	11 x 17 - 20#		3,825 rm	2.55	2.91		
	Color: Carton pack, ream wrap						
[illegible]	8½ x 11 - 16#		7,080 rm	1.13	1.28		
[illegible]	8½ x 11 - 20#		31,045 rm	1.35	1.54		
[illegible]	8½ x 14 - 20#		450 rm	1.73	1.94		
[illegible]	11 x 17 - 20#		1,040 rm	2.72	3.12		
	ITEM: 74-300-3040						
[illegible]	Type I: Duplicator, Carton Pack, White, ream wrap.						
[illegible]	8½ x 11 - 20# - White	ST	67,500 rm	1.27	1.45	Baronet	Grays Harbor
[illegible]	8½ x 13 - 20# - White		10 rm	1.49	1.71		
[illegible]	8½ x 14 - 20# - White		4,175 rm	1.61	1.84		
	Color: Carton pack, ream wrap						
[illegible]	8½ x 11 - 20#		18,240 rm	1.36	1.54		
	ITEM: 74-300-3080						
[illegible]	Type I: 64 Sulphite Mixed Bond White, Carton pack						
[illegible]	8½ x 11 - 20#	ST	43,500 rm	1.27	1.45	Baronet	Grays Harbor
[illegible]	8½ x 11 - 24#		220 rm	1.49	1.71		
[illegible]	8½ x 13 - 20#		1,000 rm	1.49	1.71		
74	8½ x 14 - 20#		1,445 rm	1.61	1.84		
	Color: Carton pack						
[illegible]	8½ x 11 - 20#	ST	12,810 rm	1.36	1.54		
[illegible]	8½ x 14 - 20#		245 rm	1.72	1.95		

Bid No. 18-8119-73
Page 6 of 8 pages

Item	Description	Whse. Stock Req.	Estimated Quantity	10,000 lb. Price	Warehouse Price	Brand	Mill
	ITEM: 74-100-1090						
8	Type I: Bond Carbonless Paper, Chemical Self-Contained 4% Sulphite Bond Carton Pack						
8a	8½ x 11 - White CB		550 rm		2.12	N C R	N C R
8b	8½ x 11 - White CF		60 rm		1.83		
8c	8½ x 11 - White CFB		750 rm		2.47		
8d	8½ x 11 - Color CF		320 rm		1.44		
8e	8½ x 11 - Color CFB		480 rm		2.72		
	ITEM: 74-100-3110						
~~7~~	Type I: Second Sheets (Canary) Telephone Directory Paper						
~~8~~	8½ x 11 - 140 Canary, Carton pack		~~5,000 rm~~	.84	.923	June	Crown Zellerbach
	ITEM: 74-100-3120						
10	Type I: 100% Rag Chicopskin White, Carton pack						
10a	8½ x 11 - 90		1,145 rm	2.43	2.62	Fidelity	Essex
10b	8½ x 14 - 90		45 rm	2.75	3.00		
11	Type III: 25 Sulphite, Chicopskin White Carton Pack						
11a	8½ x 11 - 90		1,275 rm	2.39	2.62	Fletcher	Fletcher
11b	8½ x 14 - 90		10 rm	2.88	3.12		
	Color Carton Pack						
11c	8½ x 11 - 90		1,330 rm	2.22	2.62		
12	Type IV: 4% Sulphite, Chicopskin White Carton Pack						
12a	8½ x 11 - 90		680 rm	2.20	2.44	Thor	Fletcher
	Color Carton Pack						
12b	8½ x 11 - 90		210 rm	2.07	2.32		

No. 18-4119-73
Page 7 of 8 pages

Item	Description	Whse Stock Loc.	Estimated Quantity	10,000 lb. Price	Warehouse Price	Brand	Mill
	SPEC. 74-100-3130						
L3	Type I: Notebook Paper White, Carton Pack						
L3a	5½ x 8½ - 16# Wide Ruled		100 rm	No Bid	No Bid		
L3b	5½ x 8½ - 16# Narrow Ruled		445 rm	"	"		
L3c	5½ x 8½ - 16# Plain		35 rm	"	"		
L3d	8½ x 11 - 16# Wide Ruled		2,565 rm	"	"		
L3e	8½ x 11 - 16# Narrow Ruled		1,525 rm	"	"		
L3f	8½ x 11 - 16# Plain		1,500 rm	"	"		
	SPEC. 74-100-3140						
L4	Type I: Offset Book, Carton Pack						
L4a	8½ x 11 - 60#		[illegible] rm		1.73	Barnet Offset	Simpson Lee
L4b	11 x 17 - 60#		200 rm		1.38		
L4c	* 11 x 18 - 50# Standard 1-cole punch spacing				* 1.71		
				15	Per Ream		

* Minimum 5,000 lbs. on this item only.

continued.....

TERMS OF PAYMENT 25 - 30 days

The undersigned hereby acknowledges that he has read and understands the requirements and specifications of the bid invitation and hereby agrees to furnish the material designated therein as quoted above.

Submit the PICTORIAL ONLY, retain preceding sections for your records.

NAME OF FIRM MILLERBACH PAPER COMPANY

ADDRESS 9111 N.E. Columbia

Portland, Oregon 97220

PHONE NO. 255-2121

SIGNATURE W. A. Brown DATE 12/12/72

TITLE Manager, Defense Supply-Northwest Region

See Attached Memo

PROCUREMENT DIVISION
DEPARTMENT OF GENERAL SERVICES
GENERAL SERVICES BUILDING
1160 FAIRS STREET, N.E.
SALEM, OREGON 97310

BID CHANGE NOTICE

Bid No. 18-8114-73

Opening 3:00 PM PST 12-3-73

Change Notice No. 1

Page 1 of 1 Pages

DATE: November 14, 1973

The above-numbered bid is hereby changed as indicated below: This change notice should be signed and returned, either with the bid or separately, prior to bid opening.

FINE PRINTING PAPER - CUT REAM

Change Opening Date from: 3:00 PM PST 12-3-73

to: 3:00 PM PST 12-13-73

Specification 74-303-3020
Type VI - 4# Sulphite Bond, Xerographic, white, carton pack, ream wrap.

Item	Description	Est. Qty.	10,000 lb Price	Warehouse Price	Brand	Mill
16a	8-1/2 x 11 - 20#	15,000 rm	1.27 rm	1.45 rm	Baronet	Grays Harbor
16b	8-1/2 x 14 - 20#	5,000 rm	1.61 rm	1.84 rm		

Item 16 will be awarded based on 10,000 lb. price weighted 95% plus warehouse price weighted 5%.

State of Oregon Standard Specification for Paper, Fine Printing, Cut, dated November 1, 1973 is enclosed herewith.

[signature]
Administrator

EPH:ms

Encl.

COMPANY Zellerbach Paper Company
2111 N.E. Columbia
Portland, OR 97220
BY [signature]
Manager Corporate Images
Northwest Region

NECESSARILY INDICATE ACCEPTANCE BY THE STATE OF THAT VENDOR'S BID AS VALID."

| | 12-9-13 | 12-13-23 | | |

"APPEARANCE OF A VENDOR'S NAME AND PRICES ON THIS TABULATION SHEET DOES NOT NECESSARILY INDICATE ACCEPTANCE BY THE STATE OF THAT VENDOR'S BID AS VALID."

| | | |

STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES

"APPEARANCE OF A VENDOR'S NAME AND PRICES ON THIS TABULATION SHEET DOES NOT NECESSARILY INDICATE ACCEPTANCE BY THE STATE OF THAT VENDOR'S BID AS VALID."

		Blake	Mosser	Fraser Papers	Wisdom	Pope	Zellerbach	
		Net 30	1% 10 Days	2% 30	2%	450	2% 30	
		10,000 lbs.	Cube Basis	Cube Basis	10,000 lbs.	Cube-Rams	10,000 lbs.	Cube Basis
1.	Type I Sulphite Manila Bond - White							
1a	8½ x 11 - 20#	83,500 Rams					1.27	.95
1b	8½ x 11 - 24#	220 Rams					1.53	1.74
1c	8½ x 13 - 20#	1,000 Rams					1.49	1.71
1d	8½ x 14 - 20#	1,145 Rams					1.61	1.84
	Color							
1e	8½ x 11 - 20#	12,610 Rams					1.36	1.54
1f	8½ x 14 - 20#	2454 Rams					1.73	1.96
2.	Type I Carbonless Paper							
2a	8½ x 11 - White CB	650 Rams	2.40	2.32	2.03	2.13		
2b	8½ x 11 - White CF	60 Rams	1.65	1.68	1.40	1.39		
2c	8½ x 11 - White CFB	750 Rams	2.99	2.87	2.53	2.67		
2d	8½ x 11 - Color CF	5,200 Rams	1.70	1.62	1.45	1.44		
2e	8½ x 11 - Color CFB	6,810 Rams	3.08	2.98	2.67	2.78		
3.	Type I Second Sheets (Manila)			4.353	5557	5.835		
3a	8½ x 11-14# Manila	5420 Rams					.64	.693

STATUS CODE
✓ - Accepted
A - Awarded by Unit.

B - Tie bid, awarded by draw, or agency pref.
C - Tie bid, awarded on preference (MS 279.03).
D - Rejected. Bid not signed.
E - Rejected. Erasure and/or alteration not certified.
F - Rejected. No delivery date.
G - Rejected. Product information insufficient.
H - Rejected. Higher bid due to terms of payment.
I - Rejected. Saving insufficient to warrant additional costs.
J - Rejected. Product does not meet specifications.
K - Rejected. Unsatisfactory delivery.
L - Rejected. Counter Proposal

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"APPEARANCE OF A VENDOR'S NAME AND PRICES ON THIS TABULATION SHEET DOES NOT NECESSARILY INDICATE ACCEPTANCE BY THE STATE OF THAT VENDOR'S BID AS VALID."

	Blake	Morse Paper Co.	Carib	Rice	Crane Paper	Woolen	Papercraft	Zellerbach	Bank
	Net 30 D		2%	30 D	2% 30	2%	45 D	2%	30
12. Type I - 100% Rag Onionskin	10,000 lbs	Unit Price	10,000 lbs	Unit Price	Unit Price				
12a 8½ x 11 - 9# 1445 sm	2.08	2.27	2.05	2.12	3.10	2.14	2.39	2.43	2.4
12b 8½ x 14 - 9# 915 sm	2.61	2.85	2.57	2.66	2.65	2.67	2.99	3.06	3.0
11. Type III #1 Sulphite Onionskin White									
11a 8½ x 11 - 9# 1,275 sm	1.38	1.55	1.29	1.29		1.20	1.33	2.01	2.0
11b 8½ x 14 - 9# 10 sm	1.66	1.87	1.56	1.60		1.49	1.64	2.56	2.5
Color									
11c 8½ x 11 - 9# 1530 sm	1.42	1.59	1.30	1.33		1.24	1.37	2.23	2.2
12. Type II #1 Sulphite Onionskin - White									
12a 8½ x 11 - 9# 690 sm	2.03	2.29	1.16	1.19				2.00	2.01
Color									
12b 8½ x 11 - 9# 210 sm	2.15	2.41	1.20	1.23				2.07	2.0
13. Type I Notebook Paper									
13a 8½ x 5½ - 16# Wide Ruled 100 sm									
13b 8½ x 5½ - 16# Narrow Ruled 495 sm									
13c 8½ x 5½ - 16# Plain 35 sm									
13d 8½ x 11 16# Wide Ruled 2545 sm									

SYMBOL INDEX

✓ - Accepted by Unit.

A - Accepted by Unit.

B - The bid, awarded by draw, or agency pref.
C - The bid, awarded on preference (RCW 279.03).
D - Rejected. Bid not signed.
E - Rejected. Erasure and/or alteration not initialed.
F - Rejected. No delivery date.
G - Rejected. Product information insufficient.
H - Rejected. Higher bid due to terms of payment.
I - Rejected. Saving insufficient to warrant additional order.
J - Rejected. Product does not meet specifications.
K - Rejected. Unsatisfactory delivery.
L - Rejected. Counter Proposal

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STATE OF OREGON
DEPARTMENT OF GENERAL SERVICES

"PRESENCE OF A VENDOR'S NAME AND PRICES ON THIS TABULATION SHALL NOT NECESSARILY INDICATE ACCEPTANCE BY THE STATE OF THAT VENDOR'S BID AS VALID."

		Blake	Thrift Imm.	Bellbrook
		Net 30	30	30
		10,000 lb. Min.	Workhorse	Workhorse
13a. 8½ x 11 - 16# Narrow Ruled	1325 rm			
13b 8½ x 11 - 16# Plain	1500 rm			
14 Style I Offset Book				
14a 8½ x 11 - 60#	500 rm		1.72	1.75 ✓
14b 11 x 17 - 60#	1000 rm		3.44 K	3.05 ✓
				3.71 ✓
15 Standard 3 hole punch eyeclose			.1365	
16a # 4 Sulphite Bond 8½ x 11 - 20#	1500 lb		1.27	1.95 ✓
16b 8½ x 14 - 20#	5,000 lm		1.61	1.81 ✓

SYMBOL INDEX
✓ - Awarded (check in red)
A - Awarded by Dept.

B - Tie bid, awarded by draw, or agency pref.
C - Tie bid, awarded on preference (ORS 279.03)%.
D - Rejected. Bid not signed.
E - Rejected. Erasure and/or alteration not certified.
F - Rejected. No delivery date.
G - Rejected. Product information insufficient.
H - Rejected. Higher bid due to terms of payment.
I - Rejected. Being insufficient to warrant additional order.
J - Rejected. Product does not meet specifications.
K - Rejected. Unsatisfactory delivery.
L - Rejected. Counter Proposal

PROCUREMENT DIVISION
DEPARTMENT OF GENERAL SERVICES
1225 Ferry Street S.E.
SALEM, OREGON 97310

PRICE AGREEMENT

FINE PRINTING PAPER, CUT SIZE

See below

Tallerbach Paper Company
7117 NE Columbia Tr
Portland, Or. 97220

(503) 255-2121

See below | See below

See below

P.A. No. 74-100-4116

18-6119-73

January 1, 1974

Dec. 31, 1974

74-100-1156

Net - 30 days

Jan. 4, 1974

1 of 6

FINE PRINTING PAPER - CUT SIZE

To furnish fine printing paper, cut ream stock, to State agencies and political subdivisions as listed below for a period of one year beginning January 1, 1974.

State Printing Plant	Salem
Central Duplicating	Salem
Central Stores	Salem
Oregon State University Printing	Corvallis
University of Oregon Printing	Eugene
Portland State University Printing	Portland
University of Oregon Medical School	Portland
Central Duplicating	Portland
Eastern Oregon College	La Grand
Oregon Institute of Technology	Klamath Falls
Southern Oregon College	Ashland
Linn-Benton I.E.D.	Albany
City of Newport	Newport
Monument High School	Monument
Polk County I.E.D.	Dallas
Marion County Court House	Salem
Union County School District #1	La Grand
Union County I.E.D.	La Grand
Astoria School District #10	Astoria
Clatsop Community College	Astoria
Willamalane Park & Recreation District	Springfield
Jackson County I.E.D.	Medford
Gold Beach Union High School District #1	Gold Beach

IN ADDITION TO THE CONDITIONS STATED HEREIN, THIS AGREEMENT IS SUBJECT TO CONDITIONS STATED ON THE INVITATION TO BID AND THE VENDOR'S BID/QUOTE.

PROCUREMENT DIVISION

SYTSHA APP. — EXH. E

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE REQUIREMENT

Equal Opportunity Clause:

Unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, during the performance of each contract with the State of Oregon the contractor agrees as follows:

(1) The contractor will not discriminate against any employe or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employes are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employes and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employes placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employes and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and relevant orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Ashland School District #5	Ashland
Portland Community College	Portland
North Clackamas School District #12	Milwaukie
City of Salem	Salem
Columbia District Hospital	St. Helens
Nestucca Union High School	Cloverdale
City of Bend	Bend
School District 17C	Brookings
Wallowa Memorial Hospital	Enterprise
Marion County Housing Authority	Salem
City of Burns	Burns
Gervais Union High School	Gervais
Colton School District 53	Colton

PERFORMANCE BOND

Upon notification of award, the successful bidder will be required, within 10 days, to furnish a performance bond in the amount of $5,000.00, executed in favor of the State to insure faithful performance.

TERMS

At the option of the State, the contract may, on 10 days written notice to the contractor, be extended for additional yearly periods, but not to exceed two such extensions.

ESTIMATED AMOUNT

Purchases during the period of the agreement are estimated to be as shown in the "Estimated Quantity" column on the proposal. This figure is an estimate only. The State does not guarantee that this amount or any amount will be purchased.

PRICE CHANGE

Prices will be subject to increase or decrease in the same amount as changes in the manufacturer's price list, providing the vendor requests an adjustment from the Procurement Division 15 days prior to the effective date. The written request shall be accompanied by the manufacturer's price list and is subject to acceptance by the Procurement Division. The State shall have the option of accepting the price change or cancelling the balance of the agreement. All manufacturer's price decreases must be offered to the State.

F.O.B.

All prices shall be on a delivered basis to Portland, Salem, Corvallis, and Eugene. Deliveries to other destinations will be prepaid to the nearest designated freight free point, with balance of shipping costs being prepaid and added to the invoice. However, orders amounting to less than 10,000 lbs. from one mill may be invoiced F.O.B. Destination, with transportation cost from the vendor's warehouse prepaid and added to the invoice. (Back orders of prepaid shipments shall also be prepaid).

ORDERING

State agencies and institutions may issue Contract Release Orders directly to the vendor. Other authorized political subdivisions are required to forward Purchase Request forms to Procurement Division for issuance of Contract Release Orders.

All paper shall be ordered in customary mill unit quantities; for example, no "packages" or "broken cartons" will be ordered.

DELIVERY

The vendor shall be expected to deliver 10,000 lb. orders within 90 calendar days after receipt of order.

10,000 lb. orders not received within 90 calendar days shall be filled immediately by supplier from warehouse stock at the 10,000 lb. price.

Warehouse deliveries shall be completed within 3 days.

PRICING

The 10,000 lb. price applies to any combination of items on one order totaling 10,000 lbs. or more from one mill.

INVOICING

Invoices must be directed to the ordering agency per instructions on the "Contract Release Order".

WAREHOUSE STOCK

On the proposal, the figure in the "Warehouse Stock Required" column represents the percentage of "Estimated Quantity" which the supplier is required to carry in stock to insure immediate delivery.

TERMS

Terms or cash discount offered with less than thirty days for payment will be considered to be net for award purposes.

ITEMS OTHER THAN SPECIFIED

Paper of same type as contract shall be furnished at same rate of discount as contract item. Orders for nonstandard sizes shall adhere to individual mill policies relative to minimums.

Item	Description	Whse Stock Req.		10,000 lb. Price	Warehouse Price	Brand	Mill
	SPEC. 74-300-3020						
1	Type V: #1 Sulphite Bond, carton pack, ream wrap			—	—		
1a	8½ x 11 - 16# White	ST		1.18	1.37	Sam'l Bond	Grays Harbor
1b	8½ x 11 - 20# White	ST		1.34	1.39		
1c	8½ x 13 - 16# White			1.62	1.35		
1d	8½ x 13 - 20# White			1.95	2.23		
1e	8½ x 14 - 20# White			2.11	2.41		
1f	11 x 17 - 20# White			1.13	1.30		
1g	8½ x 11 - 20# Color			1.73	1.30		
4	Type V: #1 Sulphite Bond, Watermarked, White, carton pack, ream wrap						
4a	8½ x 11 - 20#			1.16	1.39	Sam'l Xerocopy	Grays Harbor
4b	8½ x 14 - 20#			2.11	2.41		
5	Type VI: #4 Sulphite Bond For Offset Printing White, carton pack, ream wrap						
5a	8½ x 11 - 16#			1.24	1.21	Zeromac	Grays Harbor
	Type VI: #4 Sulphite Bond Cont'd.						—
5b	8½ x 11 - 20#	ST		1.27	1.45	Zeromac	Grays Harbor
5c	8½ x 13 - 20#			1.49	1.77		
5d	8½ x 14 - 20#			1.51	1.56		
5e	11 x 17 - 20#			2.33	2.91		

Item	Description	White Stock Req.	Estimated Quantity	10,000 lb. Price	Warehouse Price	Brand	Mill
	SPEC. 74-300-3010						
	Color: Carton pack, ream wrap						
f	8½ x 11 - 16#			1.13	1.28		
g	8½ x 11 - 20#			1.16	1.34		
h	8½ x 14 - 20#			1.73	1.34		
i	11 x 17 - 20#			1.73	1.39		
	SPEC. 74-300-3040						
	Type I: Duplicator, Carton Pack, White, ream wrap.						
a	8½ x 11 - 20# - White	5%		1.27	1.43	Laroma	Grays Harbor
b	8½ x 13 - 20# - White			1.49	1.71		
c	8½ x 14 - 20# - White			1.61	1.36		
	Color: Carton pack, ream wrap						
d	8½ x 11 - 20#			1.16	1.34		
	SPEC. 74-300-3080						
	Type I: 4R Sulphite Micro Bond White, Carton pack						
a	8½ x 11 - 20#	5%		1.27	1.43	Laroma	Grays Harbor
b	8½ x 11 - 24#			1.33	1.74		
c	8½ x 13 - 20#			1.49	1.71		
d	8½ x 14 - 20#			1.61	1.36		
	Color: Carton pack						
e	8½ x 11 - 20#	5%		1.16	1.34		
f	8½ x 14 - 20#			1.73	1.36		

Item	Description	Whse Stock Req.		10,000 lb. Price	Warehouse Price	Brand	Mill
	SPEC. 74-300-3110						
9	Type I: Issued Sheets (Canary) Telephone Directory Paper						
9a	8½ x 11 - 140 Canary, Carton pack			56	681	Jama	Crown Zellerbach
-	SPEC. 74-300-3140	—	—	—	—		
14	Type I: Office Book, Carton Pack						
14a	8½ x 11 - 60#				1.75	Earnest Office	Simpson Lee
14b	11 x 17 - 60#						
	*11 x 15 - 60#				* 3.71		
15	Standard 1-cols pumsh machine				Per Ream		
	* Minimum 5,000 lbs. on this item only.						
	SPEC. 74-300-3010						
	Type VI: 44 Kalamita Bond Xerographic, white, carton pack, ream wrap.						
16a	8½ x 11 - 20#			1.37 xx	1.43 xx	Earnest	Crown Zellerbach
16b	8½ x 14 - 20#			1.41 xx	1.34 xx		

Item 16 will be awarded based on 10,000 lb. price weighted 95% plus warehouse price weighted 5%.

CONTRACT RELEASE ORDER

STATE OF OREGON

SHOW THIS NUMBER ON ALL PAPERS AND PACKAGES PERTAINING TO THIS ORDER

CRO 97298

SHIP TO: DEPT. OF GENERAL SERVICES, ATT: CENTRAL STORES, 1225 FERRY ST., S.E., SALEM, OREGON 97310

DATE: 3-4-74

INVOICE TO: DEPT. OF GENERAL SERVICES, FISCAL OFFICE, C.S. 1225 FERRY ST., S.E., SALEM, OREGON 97310

ACCOUNT NUMBER

FISCAL YEAR

PRICE AGREEMENT NO. 74-300-4115

REQUISITION OR AUTHORIZATION

REQ. NO.

AGENCY NO. 125

FOR AGENCY USE

VENDOR
ZELTERBACH PAPER CO.
P. O. BOX 546
SALEM, OREGON 97301

F.O.B.

DELIVERY REQUIRED: AS SOON AS POSSIBLE

TERMS: NET 30 DAYS

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
	EQUAL EMPLOYMENT OPPORTUNITY CLAUSE: THIS TRANSACTION IS SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER 11246 (NONDISCRIMINATION IN EMPLOYMENT, SECTION 202, PARAGRAPHS 1 THROUGH 7 OF THE ORDER), A COPY OF WHICH IS ATTACHED ON DOCUMENTS EXCEEDING $50,000.				
9514	PAPER MIMEO 8-1/2X11 20# BLUE	400	RM	1.36	$544.00
9522	PAPER MIMEO 8-1/2X11 20# BUFF	200	RM	1.36	272.00
9662	PAPER ONIONSKIN 9# SULPHITE #1 PINK, 8-1/2X11	1300	RM	2.22	666.00
9654	PAPER ONIONSKIN 9# SULPHITE #1, GREEN, 8-1/2X11	300	RM	2.22	666.00
9639	PAPER ONIONSKIN 9# SULPHITE #1, BLUE, 8-1/2X11	300	RM	2.22	666.00
9621	PAPER ONIONSKIN 9# SULPHITE #1 WHITE, 8-1/2X11	2000	RM	2.09	4180.00
9647	PAPER ONIONSKIN 9# SULPHITE #1 CANARY, 8-1/2X11	700	RM	2.22	1554.00
					5[illegible]5.00

AER:cg BR

CENTRAL STORES 4457

3-4-74

SYTSMA AFF EXH F

PURCHASING

PURCHASE ORDER

STATE OF OREGON

SHOW THIS NUMBER ON ALL PAPERS AND PACKAGES PERTAINING TO THIS ORDER

PAGE 1 OF 1 P.O. NO. B 44136

SHIP TO: Portland State University — Duplicating
630 S.W. Mill Street Portland, Oregon 97201

P.O. DATE 11-27-74

BILL TO: Portland State University
P.O. Box 751 Portland, Oregon 97207

NO. INVOICES 4

F.O.B. Destination

DELIVERY REQUIRED

FISCAL YEAR 74-75

BID NUMBER

REQUISITION NO. 1000-I

TERMS

AGENCY LO 180

VENDOR

Zellerbach Paper
9111 NE Columbia Blvd
Portland, Oregon 97220

INSTRUCTIONS TO VENDOR

INVOICE UPON COMPLETION OF THIS ORDER ONLY. PAYMENT AND TRANSPORTATION CHARGES UNLESS OTHERWISE STATED. IF TRANSPORTATION IS MADE AT UNLESS THIS RECEIVES PREPAID WILL NOT BE ACCEPTED. PAYMENT IS NOT SUBJECT TO FEDERAL EXCISE TAX.

NO.	UNIT	DESCRIPTION	ARTICLE NO.	ACCT.	UNIT PRICE	TOTAL PRICE
1	22-100	Sheetfed Offset Opaque .7M 15x20 Zellerbach Offset	1	X	147.33	147.33
2	22-100	Man. Vellum Opaque .7M 17x43 Lagoon Blue	1	X	147.33	147.33
3	22-100	" " " " " Mala Orange	.5	X	147.33	73.78
4	22-100	" " " " " Colonial Gold	.5	X	147.33	73.72
5	22-100	" " " " " Aztec Lime	.5	X	147.33	73.78
6	22-100	" " " 80# 23x35 Process Red	2.4	X	44.33	134.31
7	22-100	Man. 25% Vellum 60# 23x35 Spring Green	2.4	X	44.33	134.31
8	22-100	" " " 60# 23x35 Orange	2.4	X	44.33	134.31
9	22-100	Allowry Lace 1776 .7M 19x43	.5	X	147.34	73.92
10	22-100	Sheetfed Offset 60# 17x43 Ginger	.5	X	103.35	87.68

ENCUMBERED

Per Telephone quote 11-27-74

DEC 2 1 1974

CONTRACTOR DO NOT DELIVER BY

RECEIVED BY DATE RECEIVED

TOTAL $ 1133.67

ENCUMBERED BY EXT

F Baker

AUTHORIZED BY EXT

B Wilson

SIGNATURE DATE 12-10-74

VENDOR CODE AAC PREINVENTORY CODE AUDIT INVOICE NUMBER INVOICE DATE

1-10	44136	90-061-0004	0199			1133.67		

BUDGET APPROVAL BUSINESS OFFICE APPROVAL DATE

DEPARTMENT

SYTSMA APP. — EXH. G

APPENDIX 11

AFFIDAVIT OF MARK E. ASHBURN IN SUPPORT OF MAJORITY STATES' MOTION FOR RECONSIDERATION

Mark E. Ashburn, being first duly sworn on oath, deposes and states:

1. I am an assistant attorney general for the State of Alaska, and I am an attorney of record for plaintiff State of Alaska in this litigation. I am personally familiar with the facts of this litigation and have spent in excess of 25% of my time since July, 1978, in work connected with this litigation.

* * * *

3. I am submitting this affidavit in support of the majority states' motion for reconsideration of the discovery orders in this litigation, particularly with respect to the required compliance

with the defendants' joint interrogatories and request for production of documents (set II) (hereinafter "Set II Request").

4. In order to ascertain what effort would be necessary to comply with Pretrial Order No. 87 by the State of Alaska, I have consulted with my staff and with State of Alaska purchasing officials in order to determine the availability of purchase records not already assembled by our office and the amount of time required to retrieve and analyze the state's purchase records.

* * * *

9. Based on my knowledge derived from the above-detailed activities, I would conservatively estimate that the time requirements to complete Forms #1 through #4 would be as follows:

a. to complete location and assembly of purchase documents:

50 hours.

b. to analyze and extract information required by the forms:

2,600 hours

10. A committment of 2,650 hours would necessitate the hiring of 17 experienced paralegals to complete this undertaking in the 20 days allowed by the court. To complete this undertaking with the existing staff of the Alaska Antitrust Section would take in excess of 110 working days, and such a schedule would necessitate completely neglecting all other litigation in which the Antitrust Section is currently involved.

11. The documents from which the requested information must be derived have been and will again be made avail-

able to defendants upon request. The State of Alaska has no special facilities or expertise which would aid in the extraction of the information required from these purchase orders. The burden of extracting this information would be the same for the requesting parties as it would be for the State of Alaska.

DATED this 30th day of January, 1980.

/s/ Mark E. Ashburn
Mark E. Ashburn

SUBSCRIBED AND SWORN to before me this 30th day of January, 1980.

/s/ Janet Wells
Notary Public in and for Alaska
My Commission Expires: 5-5-81

APPENDIX 12

AFFIDAVIT OF WILLIAM G. BLACK

I. William G. Black, hereby depose and say:

1. I am an economist for the Attorney General of the State of Arkansas and am working under the Attorney of Record, Royce O. Griffin, Jr., for the Plaintiff State of Arkansas. Mr. Griffin is assigned primarily to this litigation along with a second attorney in this office. I am personally familiar with the facts of this litigation and have spent approximately 20% of my time on this litigation since July, 1978.

* * * *

3. I am submitting this affidavit in support of the Majority States' MOTION FOR RECONSIDERATION OF DISCOVERY ORDERS in this litigation, particularly with

respect to the required compliance with DEFENDANTS JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (Set 2). (Hereinafter Set 2 Requests).

4. In order to ascertain the effort that would be required to comply with Pretrial Order No. 87 by the State of Arkansas, I have consulted with Arkansas State Purchasing and Auditor's Office officials knowledgeable on the documents and other information in order to determine the availability of such records and the amount of time to retrieve and analyze these records.

* * * *

7. After consulting with state personnel involved in paper purchases and reviewing the questions found in the Set 2 Requests, I have determined that an invoice by invoice analysis will be

required to derive all of the information requested on forms 1 through 4 of the Set 2 Requests. For example:

A. Form 1 will require a review of each vendor's bid for each item included in those contracts for paper made during this period.

B. Form 2 will require an invoice by invoice analysis of each term contract purchase for each fine paper product. Additionally, for purchases involving printing or other special requirements, a review of the order analysis would be necessary to determine the proportion of the invoice cost attributed to paper, the type of paper and other necessary information.

C. Form 3 will require review on an individual product basis each

unsuccessful bid for each fine paper contract made during this period.

D. Form 4 will require review of all vendor bid lists and the correspondence related to each contract for fine paper purchases.

8. Based upon my knowledge derived from the above-detailed activities, I would conservatively estimate that the time required to complete Forms 1-4 for each purchase transaction would be as follows:

A. Identification, retrieval and organization of transactions documents and contract bid histories for further use in preparation of these forms for the years 1974-1978:

1,877 hours

B. Compilation of data and completion of Form 1 for the years 1974-

1978:

550 hours.

C. Compilation and completion of Form 2 based on invoices retrieved and organized in A above:

582 hours.

D. Completion of Form 3 for each losing vendor for each product on line item on each contract:

1,238 hours.

E. Completion of Form 4 for the 1974-1978 period:

64 hours.

9. The total hours required to complete forms 1-4 for each contract and purchase transaction for 1974-1978 would be approximately 4,311 hours. This estimate would be conservative in that it assumes relatively small numbers of products and a relatively low vendor

response on an average contract.

10. A commitment of 4,311 paralegal or attorney hours would necessitate the hiring of 27 paralegals to complete the undertaking in twenty days. To compile this undertaking with the existing available staff described in paragraph two above would take 10.8 months.

FURTHER THE AFFIANT SAYETH NOT.

VERIFICATION

The matters contained in the foregoing Affidavit are true and correct to the best of my knowledge and belief.

/s/ William G. Black
WILLIAM G. BLACK
Office of the
Attorney General
Antitrust Division

Subscribed and sworn to before me this 30th day of January, 1980.

/s/ Marilyn G. Vaughan
NOTARY PUBLIC

My Commission Expires:

August 16, 1981
(Seal)

APPENDIX 13

AFFIDAVIT OF PATRICIA A. CUTLER
CONCERNING COMPLIANCE WITH
DEFENDANTS' JOINT INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
(SET II)

I, Patricia A. Cutler, being duly sworn on oath, hereby depose and say:

1. I am a Deputy Attorney General for the State of California and am an attorney of record for plaintiff State of California, assigned primarily to this litigation. I am personally familiar with the facts of this litigation and have spent approximately 50 percent of my time on this litigation since July, 1979.

* * * *

3. I am submitting this affidavit in support of the Majority States Motion for Reconsideration of the discovery orders in this litigation, particularly

with respect to the required compliance with Defendants' Joint Interrogatories and Request for Production of Documents (Set II) (hereinafter "Set II Request").

4. In order to ascertain what efforts would be necessary to comply with Pretrial Order No. 87 by the State of California, I have consulted with three State purchasing officials most knowledgeable on the subject-matter of these requests, in order to determine the availability of purchase records and the amount of time required to retrieve and analyze these purchase records.

* * * *

9. Based on my knowledge derived from the above-described activities, I would conservatively estimate that the time requirements to complete Forms 1-4 would be as follows:

(a) gather purchase orders in storage:

500 hours.

(b) review all of approximately 3,000 purchase documents including invitations to bid, bids, purchase orders, contracts, correspondence, and other materials:

2,500 hours.

TOTAL: 3,000 hours

10. A committment of 3,000 paralegal or attorney hours would necessitate the hiring of 20 paralegals to complete the undertaking in 20 days. To complete the undertaking with the existing available staff of this State would require 8 months to 1 year.

11. The documents from which the requested information must be derived have been and will again be made

available to defendants on request. The State of California has no special facilities or expertise which would aid in the extraction of the information required from these purchase documents. The burden of extraction would be the same for the requesting parties as it would be for the State of California.

DATED: January 31, 1980.

/s/ Patricia A. Cutler
PATRICIA A. CUTLER

SUBSCRIBED AND SWORN to
before me this 31st day
of January, 1980.

/s/ Ruth M. Cummings
Notary Public
State of California

APPENDIX 14

AFFIDAVIT OF B. LAWRENCE THEIS
IN SUPPORT OF MOTION FOR RECONSIDERATION
OF PRETRIAL ORDER 87

STATE OF COLORADO)
) ss.
CITY & COUNTY OF DENVER)

I, B. Lawrence Theis, being duly sworn on oath, hereby depose and say:

1. I am first assistant attorney general for the State of Colorado and am an attorney of record for plaintiff State of Colorado in this action. I am personally familiar with the facts of this litigation and have been, since September 1978, primarily responsible for the conduct of this litigation on behalf of the State of Colorado.

* * * *

3. I am submitting this affidavit in support of the majority states' motion

for reconsideration of the discovery orders in this litigation, particularly with respect to the required compliance with "Defendants' Joint Interrogatories and Requests for Production of Dcouments" (set II) (hereinafter "set II requests"). In order to ascertain what efforts by the State of Colorado would be necessary to comply with pretrial order 87, I have attempted to determine the availability of purchase records and the amount of time required to retrieve and analyze these purchase records.

* * * *

8. Based on the foregoing, I would conservatively estimate that the time required to complete the enclosed forms would be 3200 attorney, paralegal, and investigative hours. Even utilizing all available attorneys, paralegals and

investigators working full time on this project alone would take ten weeks. It is in fact impossible to proceed in this matter given the commitment of the Colorado attorney general's office to other cases and responsibilities. Under the ordinary conduct of work in the Antitrust Section, such a task would take anywhere from six to twelve months. Furthermore, the Antitrust Section does not have and cannot obtain authorization to hire further employees (full time equivalents) to accomplish the task required by pretrial order 87.

9. The documents from which the requested information must be derived have been made and will again be made available to the defendants. The State of Colorado has no special facilities or expertise which would aid in the extrac-

tion of this information required from these purchase documents. The burden of extracting this information would be the same for the requesting parties as it would be for the State of Colorado.

FURTHER AFFIANT SAYETH NOT.

/s/ B. Lawrence Theis
B. LAWRENCE THEIS,
6621

Subscribed and sworn to before me this 30th day of January, 1980.

/s/ James L. Clement
NOTARY PUBLIC

My Commission espires:

April 3, 1982

APPENDIX 15

AFFIDAVIT OF DAVID H. MORSE

I, David H. Morse, being duly sworn on oath hereby depose and state:

1. I am a paralegal for the Department of Justice of the State of Iowa and am working under the directions of an attorney of record for the Plaintiff, State of Iowa, assigned primarily to the Fine Paper Litigation. I am personally familiar with the facts of this litigation and have spent approximately 70% to 80% of my time on this litigation since July 1979.

* * * *

3. I am submitting this affidavit in support of the Majority States Motion for Reconsideration of the Discovery Orders in this litigation, particularly

with respect to the required compliance with Defendants Joint Interrogatories and Requests for Production of Documents (Set II) (hereinafter "Set II" Requests).

9. Based on my knowledge derived from the above detailed activities I would conservatively estimate that the time requirements to complete Forms 1 through 4 would be as follows:

1. Department of General Services, Purchasing Division:

150 man hours;

2. Department of General Services, Centralized Printing:

275 man hours;

3. Department of Transportation:

200 man hours;

4. Board of Regents:

a. University of Iowa:

175 hours

b. Iowa State University:

416 hours

c. University of Northern Iowa:

250 hours

10. A commitment of 1466 number of paralegal or attorney hours would necessitate the hiring of 9.16 paralegals to complete the undertaking in 20 days. To complete the undertaking with the existing available staff of this State, would require 3.05 months.

11. The documents from which the requested information must be derived have been made and will again be made available to the Defendants. The State of Iowa has no special facilities or expertise which would aid in the extraction of the information required from these purchase orders. The burden of

extracting this information would be the same for the requesting party as it would be for the State of Iowa.

/s/ David H. Morse
DAVID H. MORSE

Subscribed and sworn to before me this 30th day of January, 1980.

/s/ Billie Evans
Notary Public

APPENDIX 16

AFFIDAVIT OF WALTER THEISS CONCERNING COMPLIANCE WITH DEFENDANTS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (Set II)

I. Walter Theiss, being duly sworn, truly say:

1. I am an Assistant Attorney General for the State of Missouri, and am attorney of record for plaintiff, State of Missouri. As such, I have had primary responsibility for Missouri's participation in the Fine Paper litigation, since Missouri filed its complaint in December, 1977. I am personally familiar with the facts of this litigation.

* * * *

3. I am submitting this Affidavit in support of the majority states' Motion for Reconsideration of the Discovery

Orders entered in this litigation, particularly with respect to the required compliance with Defendants' Joint Interrogatories and Requests for Production of Documents (Set II).

* * * *

8. Our office made a detailed record-by-record analysis of our 1970 fine paper purchase records to ascertain for 1970 the types and amounts (cartons, reams, etc.) of fine paper purchased, the vendors of such paper, the dates of such purchases, and the amounts paid for each item of fine paper purchased. This analysis for the year 1970 took 166.5 man hours. On that basis, I estimated it would take a minimum of 1,165.5 man hours to make even this minimal analysis of our fine paper purchase records for the years 1970-1977. This does not include the

amount of time it would take to put such information onto the transaction questionnaires provided by settling defendants. I have no estimate of the time such form-filling would require, because the information requested by settling defendants is much more detailed than the information derived from our analysis of the State of Missouri's 1970 fine paper purchase records.

And further affiant says not.

/s/ Walter Theiss
WALTER THEISS

Subscribed and sworn to before me this 31st day of January, 1980.

/s/Eleanor Little
NOTARY PUBLIC

My commission expires: Nov. 23, 1981

APPENDIX 17

AFFIDAVIT OF ROBERT F. BARTLE

County of Jackson)
) ss.
State of Missouri)

I, ROBERT F. BARTLE, being first duly sworn on oath do state and depose that:

1. I am an Assistant Attorney General for the State of Nebraska and am one of the attorneys of record for plaintiff State of Nebraska. I am familiar with the facts of this litigation and have spent approximately twenty per cent of my time on this litigation since July, 1979.

* * * *

3. I am submitting this affidavit in support of the Majority States' Motion

for Reconsideration of certain discovery orders in this litigation, particularly with respect to the required compliance with Defendants' Joint Interrogatories and Request for Production of Documents (Set II) (hereinafter Set II Requests).

4. In order to ascertain what time, expense and effort would be required for the State of Nebraska to comply with Pretrial Order No. 87, I have reviewed certain purchase records of the State of Nebraska, records of conferences with officials of the Nebraska Purchasing Office (Materials Division of the Department of Administrative Services) and records relating to the Defendants' discovery and depositions taken in Lincoln, Nebraska in the Fall of 1978.

* * * *

9. Based upon my knowledge of the

work involved and the time required by the activities described above, I would conservatively estimate that the time required to be expended by the State of Nebraska personnel to complete Forms 1-4 of the Set II Requests would be approximately 2000 hours.

10. All current Antitrust Division personnel are involved in preparation for or the actual process of deposing defendants' employees in accordance with the court's trial schedule. To attempt to complete the undertaking required by compliance with Pretrial Order No. 87 with presently available staff of the State of Nebraska would take approximately four months and would subtract immeasureably from the time and resources of the State of Nebraska presently devoted to the trial preparation for this

case.

11. The documents from which the requested information called for by the Set II Requests have been and will again be made available to the defendants upon request. The State of Nebraska has no special facilities or expertise which would aid in the extraction of this information sought from these purchase documents. The burden of extracting this information would be the same for the requesting parties as it would be for the State of Nebraska.

DATED this 30th day of January, 1980.

/s/ Robert F. Bartle

SUBSCRIBED AND SWORN to before me this 30th day of January, 1980.

State of Missouri
County--Jackson

/s/ Dorothy Brooks
NOTARY PUBLIC

APPENDIX 18

AFFIDAVIT OF JAMES J. WECHSLER ASSISTANT ATTORNEY GENERAL, STATE OF NEW MEXICO

I, JAMES J. WECHSLER being duly sworn on oath, hereby depose and say:

1. I am an Assistant Attorney General for the State of New Mexico and am the attorney of record for Plaintiff State of New Mexico, assigned to this litigation. I am personally familiar with the facts of this litigation and have spent approximately 15% of my time on this litigation since July, 1978.

* * * *

4. In order to ascertain what effort would be necessary to comply with Pretrial Order No. 87 by the State of New Mexico, this Office has consulted with four states purchasing officials most

knowledgable on the subject matter of these requests, in order to determine the availability of purchase records and the amount of time required to retrieve and analyze these purchase records.

* * * *

8. After having consulted with the state purchasing personnel and having reviewed the forms required to be completed by the Set II Request it was determined that an invoice by invoice analysis will be required to derive all the requested information on Forms 1-4. For example:

> a. Forms 1-3 require review of all invitations to bid, by year, when an awarded contract of a month or greater is made; they require a review of all individual purchase invoices when purchases are made on a spot basis;
>
> b. Additionally, Form 2 requires review of all purchase invoices and analysis of them;

c. Additionally, Form 3 requires review of all unsuccessful invitations to bid;

d. Additionally, Form 4 requires review of all invitations to bid and vendor bid lists by year and correspondence related thereto;

9. Based on my knowledge derived from the above detailed activities, I would conservatively estimate that the time requirements to complete Forms 1-4 would be as follows:

a. State Purchasing Office;

160 hours;

b. All other state agencies, colleges and state institutions:

320 hours.

10. A commitment of 480 investigator or attorney hours would necessitate the hiring of 3 investigators to complete the undertaking in 20 days. To complete the undertaking with the existing

available staff of this State would require 2 months.

11. The documents from which the requested information must be derived, have been made, and will again be made, available to the defendants. The State of New Mexico has no special facilities or expertise which would aid in the extraction of the information required from these purchase orders. The burden of extracting this information would be the same for the requesting party as it would be for the State of New Mexico.

/s/ James J. Wechsler
JAMES J. WECHSLER
Assistant Attorney General

Bataan Memorial Building
Post Office Drawer 1508
Santa Fe, New Mexico 87501

SUBSCRIBED AND SWORN to before me this 30th day of January, 1980.

/s/ Lucille M. Griego
Notary Public

My Commission Expires:

3-31-80

APPENDIX 19

AFFIDAVIT OF DAVID F. ROSS
CONCERNING COMPLIANCE WITH
DEFENDANTS' JOINT INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
(Set II)

I, DAVID F. ROSS, being duly sworn on oath, hereby depose and say:

1. I am an Assistant Attorney General for the State of Washington and am one of two attorneys of record for plaintiff State of Washington assigned primarily to this litigation. I am personally familiar with the facts of this litigation and have spent approximately three-fourths of my time on this litigation since July, 1978.

* * * *

3. I am submitting this affidavit in support of the Majority States' Motion for Reconsideration of the discovery

orders in this litigation and, particularly with respect to the required compliance with Defendants' Joint Interrogatories and Request for Production of Documents (Set II) (hereinafter "Set II Requests").

4. In order to ascertain what effort would be necessary to comply with Pretrial Order No. 87 by the State of Washington, I have consulted with Washington State purchasing officials most knowledgeable on the subject matter of these requests, in particular to determine the availability of the necessary purchase records and the amount of time that would be required to retrieve and analyze these purchase records.

* * * *

9. Based on my knowledge derived from the above-detailed activities and

facts, I would estimate that the time required to complete Forms 1-4 for the State of Washington would be as follows:

Division of Purchasing records:

550 hours

State Printer records:

10,250 hours

TOTAL Man-Hours: 10,800 hours

10. A commitment of 10,800 man-hours or paralegal or attorney time would necessitate the hiring of 67 paralegals to complete the undertaking within the 20 days allowed by Pretrial Order No. 87. To complete this undertaking with the presently available staff of the State of Washington would take well over one year and would subtract immeasureably from the time, money and personnel resources that the State of Washington is presently committing to the discovery and trial pre-

parations of this litigation.

11. The documents from which the requested information must be derived have been and will again be made available to the defendants in this litigation. The State of Washington has no special facilities or expertise which would aid in the extraction of the information sought from these purchase orders. The burden would be the same for the requesting parties as it would be for the State of Washington.

DATED this 30th day of January 1980.

/s/ David F. Ross

SUBSCRIBED AND SWORN TO before me this 30th day of January 1980.

State of Missouri
County--Jackson

/s/ Dorothy Brooks
NOTARY PUBLIC in and for the State of Missouri, Kansas City, Missouri 64108

APPENDIX 20

INDIVIDUAL ACTIONS OF PETITIONING STATES

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Boise Cascade Corp., et al.:
Civil Action No. 78-2958

State Of Arkansas v.
Boise Cascade Corp., et al.:
Civil Action No. 78-1716

State Of California v.
Boise Cascade Corp., et al.:
Civil Action No. 78-2494

State Of Colorado v.
Boise Cascade Corp., et al.:
Civil Action No. 78-1359

State Of Iowa v.
Boise Cascade Corp., et al.:
Civil Action No. 78-1906

State Of Missouri v.
Boise Cascade Corp., et al.:
Civil Action No. 78-1095

State of Nebraska v.
Boise Cascade Corp., et al.:
Civil Action No. 78-1049

State of New Mexico v.
Boise Cascade Corp., et al.:
Civil Action No. 78-1934

State of Oregon v.
Boise Cascade Corp., et al.:
Civil Action No. 78-1050

State of Washington v.
Boise Cascade Corp., et al.:
Civil Action No. 78-3081

APPENDIX 21

LIST OF DEFENDANTS

Manufacturer (Mill) Defendants:

Boise Cascade Corp.
Champion International Corp.
Crown Zellerbach Corp.
Great Northern Nekoosa Corp.
Hammermill Paper Company
International Paper Company
Kimberly-Clark Corp.
The Mead Corp.
Potlatch Corp.
Scott Paper Company
St. Regis Paper Company
Union Camp Corp.
Wausau Paper Mills Company
Westvaco Corp.
Weyerhaeuser Company

Distributor (Merchant House) Defendants:

Blake, Moffitt & Towne
Noland Paper Company
Butler Paper Company
Mid-Western Paper Company
J.C. Paper Company
Carpenter/Offutt Paper Company
Seaboard Paper Company
Nationwide Paper Company
Ingram Paper Company
Zellerbach Paper Company
Bermingham & Prosser Company
Dixon Paper Company
Western Paper Company
Distribix, Inc.
Graham Paper Company
Paper Supply Company
Shaughnessy-Kniep-Hawe

Supreme Court, U. S.
FILED
JUN 27 1980
MICHAEL RODAK, JR., CLERK

No. 79-1527

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1979

THE STATES OF ALASKA, ARKANSAS, CALIFORNIA, COLORADO, IOWA, MISSOURI, NEBRASKA, NEW MEXICO, OREGON AND WASHINGTON
(Plaintiffs in the *Fine Paper Antitrust Litigation*, MDL Docket No. 323),
Petitioners,

vs.

THE HONORABLE JOSEPH L. McGLYNN, JR.,
Judge, United States District Court
for the Eastern District of Pennsylvania,
Respondent.

BRIEF IN OPPOSITION TO MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS

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KIRKLAND & ELLIS *Of Counsel*	STEPHEN C. NEAL 200 East Randolph Drive Chicago, IL 60601 Telephone: (312) 861-2000 *Attorney for Weyerhaeuser Company*

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No. 79-1527

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THE STATES OF ALASKA, ARKANSAS, CALIFORNIA, COLORADO, IOWA, MISSOURI, NEBRASKA, NEW MEXICO, OREGON AND WASHINGTON
(Plaintiffs in the *Fine Paper Antitrust Litigation*, MDL Docket No. 323),
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vs.

THE HONORABLE JOSEPH L. MCGLYNN, JR., Judge, United States District Court for the Eastern District of Pennsylvania,
Respondent.

BRIEF IN OPPOSITION TO MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS

PRELIMINARY STATEMENT

The motion for leave to file petition for writ of mandamus is directed to a routine question regarding the application of Rule 33(c), Federal Rules of Civil Procedure, to interrogatories in an action pending before respondent court. We respectfully submit that the order of that court is in accord with Rule 33(c) and that, in any event, there is no occasion for extraordinary review by mandamus of the discovery order in question.

STATEMENT OF THE CASE

Petitioners are ten states, each of which has brought an antitrust action against certain paper mills, their subsidiaries, and others. Their cases were consolidated for pretrial proceedings with other cases including class actions brought by merchants who had made direct purchases from the mill defendants. Some of the defendants, in September 1979, served upon petitioners joint interrogatories requesting information with respect to the alleged purchases by petitioners for which damages were claimed. These interrogatories were designed, among other things, to ascertain the extent to which petitioners had made direct purchases within the meaning of *Illinois Brick Co.* v. *Illinois* (1977) 431 U.S. 720 (see Petition, p. 9, Appx. 5, pp. A12-A13). Instead of answering those interrogatories, petitioners referred defendants to a mass of documents which had been produced in class action discovery before the district court (see Petition, p. 10, Appx. 7, pp. A22-A24).

The district court ordered petitioners to answer the interrogatories in question (Petition, Appx. 1, pp. A4-A5) and denied their motion for reconsideration (Petition, Appx. 2, p. A7). On March 17, 1980, petitioners filed a petition for mandamus with the Court of Appeals for the Third Circuit, claiming that the district court had abused its discretion in requiring them to answer the interrogatories. That court denied the petition the next day (Petition, Appx. 4, p. A11). Petitioners thereupon filed the motion for leave to file a petition for writ of mandamus and a request for a stay with this Court on March 31, 1980. The request for stay was denied.

REASONS WHY THE MOTION SHOULD BE DENIED

The district court properly rejected petitioners' efforts to circumvent the requirements of Rule 33(c) by vague references to a mass of documents without specifying which of those documents within the mass actually contained the information sought (Petition, Appx. 7, p. A24).[1]

Rule 33(c), in providing an option to the party answering interrogatories to refer to business records, expressly requires that the answering party "*specify* the records from which the answer may be derived or ascertained" (emphasis added). As another district court ruled in a comparable situation:

> "Since a respondent is required to answer proper interrogatories, it is not plausible to assume that a response that an answer may (or may not) be found in its records, accompanied by an offer to permit their inspection is sufficient. This is little more than an offer to play the discredited game of blindman's buff at the threshold level of discovery. * * *
>
> "I conclude that the option afforded by Rule 33(c) is not a procedural device for avoiding the duty to give information. It does not shift to the interrogating party the obligation to find out *whether* sought after information is ascertainable from the files tendered, but only permits a shift of the burden to dig it out once the respondents have *specified* the records from 'where the answer' can be derived or ascertained" (*In re Master-Key Antitrust Litigation* (D.Conn. 1971) 53 F.R.D. 87, 90; emphasis added).

---

[1]The bracketed material which petitioners have inserted on page A24 is not contained in the answers filed by Oregon in the district court.

Furthermore, the full record before the district court shows the falsity of petitioners' assertion that the burden of deriving or ascertaining the requested information would have been no greater for the defendants than for the states (Petition, p. 10). To obtain the information sought by the interrogatories, it would be necessary for defendants to know, among other things, whether petitioners excluded certain brands or bidders, imposed requirements of printing, quantities, delivery, or bidding on an entire series of items, or made awards at other than the lowest price. Each defendant needs information concerning petitioners' purchases and attempts to purchase from other defendants, alleged co-conspirators and non-conspirators, because petitioners claim antitrust violations and seek to recover damages in respect of those transactions. Petitioners' purchasing agents and their employees clearly know vastly more about such requirements and practices than do the defendants. As the Advisory Committee, which recommended Rule 33(c), pointed out,

> "A respondent may not impose on an interrogating party a mass of records as to which research is feasible only for one familiar with the records" (28 U.S.C.A. Fed.Rules Civ.Proc., Rule 33, p. 322).

In any event, we submit that a writ of mandamus is not the proper means of reviewing the alleged abuse of discretion of the district court in requiring petitioners to answer the interrogatories in question.

The only case of which we are aware in which this Court has held that a writ of mandamus is appropriate to review a discovery order of a Federal district court is *Schlagenhauf* v. *Holder* (1964) 379 U.S. 104. In that case this Court held that it was not inappropriate for a court of appeals to have determined whether the district court had *the power* to order a mental and physical examination of a defendant under Rule 35 of the Federal Rules of Civil Procedure (379 U.S. 110). Although it held that "special circumstances" present in that case justified consideration of mandamus, the Court pointed out that:

> "The writ of mandamus is not to be used when 'the most that could be claimed is that the district courts have erred in ruling on matters within their jurisdiction.' *Parr* v. *United States,* 351 U.S. 513, 520; see *Bankers Life & Casualty Co.* v. *Holland, supra,* at 382" (379 U.S. 112).[2]

For this reason, in *Kerr* v. *United States District Court* (1976) 426 U.S. 394, this Court upheld a refusal to use mandamus to vacate discovery orders which required petitioners to produce documents sought by prisoners in a class action. The Court noted that "the fact still remains that 'only exceptional circumstances amounting to a judicial "usurpation of power" will justify the invocation' "

---

[2]Petitioners erroneously rely on *La Buy* v. *Howes Leather Co.* (1957) 352 U.S. 249 (Petition, p. 15), which did not involve a discovery order but was concerned with a persistent disregard of other Federal rules which "amounted to little less than an abdication of the judicial function" (352 U.S. 256). There is no suggestion in the case at bar that, even if the court's order were erroneous, it evidenced a "persistent" course of conduct or abdication of judicial responsibilities such as was presented in *La Buy*.

of mandamus (426 U.S. 402, quoting *Will* v. *United States* (1967) 389 U.S. 90, 95).

We respectfully submit that the order of the district court in the case at bar was within the court's jurisdiction, that there is no basis for any claim that it lacked the power to require answers to the interrogatories in question, and that even if the order were erroneous, the proper method of review is an appeal.

CONCLUSION

For the foregoing reasons, we respectfully submit that the motion for leave to file petition for writ of mandamus should be denied.

PILLSBURY, MADISON & SUTRO
Of Counsel

MAYER, BROWN & PLATT
Of Counsel

LATHAM & WATKINS
Of Counsel

LEBOEUF, LAMB, LEIBY & MACRAE
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Supreme Court, U. S.
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IN THE SUPREME COURT
OF THE UNITED STATES

October Term 1979

No. 79-1527

THE STATES OF ALASKA, ARKANSAS, CALIFORNIA, COLORADO, IOWA, MISSOURI, NEBRASKA, NEW MEXICO, OREGON AND WASHINGTON (Plaintiffs in the Fine Paper Antitrust Litigation, MDL Docket No. 323),

Petitioners,

v.

THE HONORABLE JOSEPH L. McGLYNN, JR., Judge, United States District Court for the Eastern District of Pennsylvania,

Respondent.

REPLY BRIEF OF PETITIONERS

JAMES KIRKHAM JOHNS
Chief Counsel
Antitrust Division
235 Union Street N.E.
Salem, Oregon 97305
Counsel for Petitioner
State of Oregon
On Behalf of
Petitioning States

Attorneys appearing Of Counsel appear on signature page of reply.

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Daiflon v. Allied Chemical Corp., 534 F.2d 221 (10th Cir. 1976). 4

G.O. Coin Service, Inc. v. Ace Welding Co., 26 F.R. Ser. 2d. 601 (S.D. Ohio 1978). 11

In re Master-Key Antitrust Litigation, 53 F.R.D. 87 (D. Conn. 1971) 9

LaBuy v. Howes Leather Co. 352 U.S. 249 (1957) 12

REPLY BRIEF OF PETITIONERS

I.

INTRODUCTION

Respondents would have this Court believe that Petitioners have led Them on the proverbial "wild goose chase" with their Rule 33(c) responses to Respondents' "forms" interrogatories by referring to a meaningless "mass" of documents which might, or might not, contain the information elicited. With appalling indifference, however, Respondents ignore the simple fact that Petitioners produced selected transactional documents which did, in fact, contain the information requested by the interrogatories.

II.

PETITIONERS PRODUCED DOCUMENTS WHICH CONTAINED THE INFORMATION ELICITED BY THE INTERROGATORIES

Respondents suggest that by virtue of volume alone, Petitioners' Rule 33(c) productions were inadequate. The most notable feature of their brief, however, is the abscence of any reference to specific inadequacies of any particular Petitioners'production.

As revealed in Petitioners' respective responses to the "forms" interrogatories,[1/] the very documents which contained the information elicited

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1/ Pertinent portions of the responses of each Petitioner except Oregon to Respondents' "forms" interrogatories are attached as Reply Appendices 1 through 10, pages RA 1 through RA 52. Oregon's responses are attached to Petitioners' opening brief as Appendix 7, page A 22.

by the interrogatories had been produced and made available to Respondents for inspection and copying, in response to earlier discovery requests, nearly a year and a half prior to the time Respondents propounded their "forms" interrogatories. Indeed, as revealed by Oregon's answers to the interrogatories,[2/] and by the affidavit filed by Oregon in support of Petitioners' motion for reconsideration of the order compelling the States to complete the forms,[3/] documents were microfilmed at the Respondents' request

---

2/ Attached as Appendix 7 to Petitioners' opening brief, page A 22, at page A 23.

3/ Attached as Appendix 10 to Petitioners' opening brief, page A 29, at page A 37.

in August of 1978. At no time, however, have Respondents specified why Petitioners' production of documents was inadequate, or in what way the documents did not contain the information requested. It is their burden to do so. Daiflon v. Allied Chemical Corp., 534 F.2d 221, 227 (10th Cir. 1976).

The approximately 16,000 documents produced by Oregon,[4/] for example, can hardly be considered a meaningless "mass of documents." The mere fact that such documents are voluminuous is beside the point. Respondents requested certain information, and Petitioners, in complete harmony with the underlying spirit and

---

4/ See Appendix 10 attached to Petitioners' opening brief, page A 29, at pages A 31 through A 32.

purpose of Rule 33(c), produced documents from which the requested information could have been derived or ascertained.

III.

PETITIONERS ADEQUATELY SPECIFIED THE DOCUMENTS FROM WHICH THE REQUESTED INFORMATION COULD HAVE BEEN DERIVED OR ASCERTAINED

Respondents' statement that Petitioners' attempted to "circumvent" the requirements of Rule 33(c) "by vague references to a mass of documents without specifing which of those documents within the mass actually contained the information sought"[5/] is an outrageous distortion of the record. A year before Respondents propounded their "forms" interrogatories, transactional documents

---

5/ Respondents' Brief, page 3.

were identified by Petitioners and produced to Respondents in response to earlier discovery requests. In conjunction with such earlier productions, Respondents deposed employees of Petitioners who were responsible for Petitioners' purchases of fine paper.[6/] Further, when Petitioners offered the transactional documents for a second time in their responses to the "forms" interrogatories, the representation that Petitioners would produce documents from which the requested information could in

---

6/ See the respective Petitioners' responses to the "forms" interrogatories, attached as Reply Appendicies 1 through 10, pages RA 1 to RA 52, and attached to Petitioners' opening brief as Appendix 7, page A 22.

fact be derived or ascertained was explicit.[7/]

In addition to identifying and producing documents and making purchasing personnel available for depositions, certain Petitioners set forth detailed descriptions of responsive documents in their responses to the "forms" interrogatories[8/] and to Respondents' earlier disco-

---

7/ Reply Appendicies 1 through 10, pages RA 1 through RA 52, and Appendix 7, page A 22, attached to Petitioners' opening brief.

8/ Reply Appendicies 1 and 3, pages RA 1 and RA 16, respectively, and Appendix 7 attached to Petitioners opening brief, page A 22.

very requests.[9] In light of the aforementioned productions, depositions and identification of documents, Respondents' contention that Petitioners attempted to circumvent Rule 33(c) by "vague" references to documents is utter nonsense. It is more than apparent that Petitioners met the requirement of Rule 33(c) that they "specify the records from which the

---

[9] Appendix 7 attached to Petitioners' opening brief, page A 22. The implication of footnote 1 at page 3 of Respondents' Brief is that Oregon did not specifically identify the records and files from which the requested information could be derived or ascertained in its responses to Respondents' earlier discovery requests. The pertinent portions of the earlier requests in response to which the records and files were identified are attached as Reply Appendix 11 at page RA 53. The pertinent portions of Oregon's responses to such discovery requests, including the identification of such records and files, are set forth as Reply Appendix 12 at Page RA 58.

answer may be derived or ascertained."

Contrary to Respondents' characterization of the case as involving "a comparable situation," In re Master-Key Antitrust Litigation, 53 F.R.D. 87, 90 (D. Conn. 1971), is completely inapposite. Master-Key dealt with answers to interrogatories which left the interrogoting party to speculate as to whether or not the requested information was in fact contained within the files referred to in the answers to interrogatories. In the instant case, Petioners specified -through actual productions, depositions and narrative descriptions - the files and records from which the elicited information could have been derived or ascertained. The record is barren of any instance in which this was not the case.

IV.

THE BURDEN OF EXTRACTING THE INFORMATION FROM THE DOCUMENTS PRODUCED WOULD BE NO GREATER FOR RESPONDENTS THAN FOR PETITIONERS

Respondents erroneously assert (Respondents Brief, page 4) that in order to extract the information elicited by the "forms" interrogatories themselves, it would be necessary for them to know certain terms and conditions involved in Petitioners' purchases of fine paper. Respondents, however, miss the point. It is precisely this type of information which is included in the transactional documents produced to them nearly two years ago! And although Respondents maintain that Petitioners' employees "clearly" know more about purchasing requirements and practices than do the Respondents themselves, Respondents have

made no evidentiary showing to establish this fact or to counter the affidavits[10/] which accompanied Petitioners' motion for reconsideration of the order requiring them to extract the information from the documents and complete the forms. Respondents have had ample opportunity to do so, and they cannot meet their burden of controverting Petitioners' sworn statements by bold assertions at this time in their brief to this Court. See, G.O. Coin Service, Inc. v. Ace Vending Co., 26 F.R.Ser.2d 601 (S.D. Ohio 1978) and Campbell v. Von Hoffman Press, Inc., 24 F. R. Ser. 2d 413 (W.D. Mo. 1977).

10/ Attached to Petitioners opening brief as Appendicies 11 through 19, pages A 98 through A 137.

V.

MANDAMUS IS BOTH APPROPRIATE AND NECESSARY IN ORDER TO PRESERVE THE PROCEDURAL SAFEGUARDS PROVIDED BY RULE 33(c) OF THE FEDERAL RULES OF CIVIL PROCEDURE

Despite Respondents' efforts to characterize the two orders from which Petitioners seek relief as a "discovery order" (Respondents' Brief, page 5) pertaining to a "routine question regarding the application of Rule 33(c)" (Respondents' Brief, page 1), the fact remains that the orders which are the subject of this proceeding entirely emasculate Rule 33(c) and effectively delete the rule, and the procedural safeguards it affords, from the Federal Rules of Civil Procedure. As noted in LaBuy v. Howes Leather Co., 352 U.S. 249 (1957), when the rules which by law it is the duty of this Court to formulate and

put in force have been effectively nullified by a district judge, mandamus should issue.

VI.

CONCLUSION

Petitioners respectively submit that a writ of mandamus should be issued.

Dated: July 14, 1980.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I, JAMES KIRKHAM JOHNS, of counsel for Petitioner State of Oregon, hereby certify that on July 17, 1980 true and correct copies of the foregoing Reply Brief of Petitioners were served upon all parties required to be served by mailing such copies to counsel for all parties to the Fine Paper Antitrust Litigation, upon the Honorable Joseph L. McGlynn, Jr., Judge, United States District Court for the Eastern District of Pennsylvania, and upon the Solicitor General, Department of Justice, by first class mail, postage fully prepaid thereon.

DATED: July 17, 1980

JAMES KIRKHAM JOHNS

REPLY APPENDIX 1

PLAINTIFF STATE OF ALASKA'S ANSWERS AND OBJECTIONS TO DEFENDANTS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

III.

OBJECTIONS TO INSTRUCTIONS

Plaintiff objects to the instructions regarding the completion of forms * * * on the grounds that said forms: * * * (6) call for information which can be derived or ascertained from plaintiffs' documents as easily by defendants as by plaintiff; and (7) seek information which has previously been provided or made available to defendants.

IV.

RESPONSES TO INTERROGATORIES

* * *

ANSWER NO. 12:

* * *

Plaintiff further objects to this interrogatory on the grounds that the information sought has previously been provided or made available to defendants in Plaintiff's responses to Defendants' Joint First Wave Interrogatories (Set I, answer Nos. 2 and 5).

The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will therefore produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a reasonable opportunity to examine, audit

and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

With regard to purchase transactions elicited by the state, all such purchases are administered in accordance with the uniform purchasing provisions of AS 37.05.230. In connection with each such purchase, the purchasing divisions of the above-referenced agencies and institutions maintain the following documents in their files and records: invitations to bid (containing specifications and bid forms), bids (returned invitations to bid filled in by vendor), bid abstracts (summary of all bids on specific contract), contract awards (document reflecting award to vendor), bid list (list of all qualified vendors for particular commodity), advice of change in

purchasing document (incorporates all changes in terms or duration of contract), purchase requests (used to procure supplies in instances in which an agency has not been authorized to purchase directly), purchase orders (issued by GSS on purchase exceeding $1,000.00), delivery order (form used by agencies in making purchases from the contract awards or on the open market for purchases between $500.00 and $1,000.00), field warrants (used to obtain supplies by agency on contract or as documentation for off-contract purchase), and various correspondence and memos with regard to purchase transactions. * * *

ANSWER NO. 13:

* * *

The burden of deriving or ascertaining the information requested by this

interrogatory would be substantially the same for defendants as for plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will therefore produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a reasonable opportunity to examine, audit and inspect such d ocuments and to make copies, compilations, abstracts or summaries thereof.

Plaintiff further objects to this interrogatory on the grounds that the information sought has previously been provided or made available to defendants in plaintiff State of Alaska's responses to Defendants' Joint First Wave Interrogatories (Set I) and in plaintiff

State of Alaska's response to Defendants' Joint first Wave Production of Documents (Set I). * * *

ANSWER NO. 14:

* * *

The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will therefore produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a reasonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

Plaintiff further objects to this interrogatory on the grounds that the information sought has previously been provided or made available to defendants in plaintiff State of Alaska's responses to Defendants' Joint First Wave Interrogatories (set I) and in plaintiff State of Alaska's response to Defendants' Joint First Wave Production of Documents (Set I).

ANSWER NO. 15:

* * *

The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will therefore produce at a mutually agreeable time and place documents from which the

requested information can be drived or ascertained, and will afford defendants a reasonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

Plaintiff further objects to this interrogatory on the grounds that the information sought has previously been provided or made available to defendants in plaintiff State of Alaska's responses to Defendants' Joint First Wave Interrogatories (Set I) and in plaintiff State of Alaska's response to Defendants' Joint First Wave Production of Documents (Set I).

REPLY APPENDIX 2

PLAINTIFF STATE OF ARKANSAS ANSWERS AND OBJECTIONS TO DEFENDANTS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

II

OBJECTIONS TO INSTRUCTIONS

Plaintiff objects generally to the instructions regarding the completion of Forms 1 through 6 on the grounds that such forms: * * *

(6) call for information which can be derived or ascertained from Plaintiff's document as easily by Defendants as by Plaintiff, which documents have previously been produced to and filmed on behalf of Defendants; and (7) seek information which has previously been provided or made available to Defendants.

III

INTERROGATORIES

INTERROGATORY NO. 1:

* * *

OBJECTIONS TO INTERROGATORY NO. 1

* * *

This interrogatory is further objectionable because it asks for information which has previously been provided or made available to Defendants in Plaintiff State of Arkansas' Responses to Defendants' Joint First Wave Interrogatories, Answers to Supplemental Class Action Interrogatories filed by Defendants Potlatch Corporation and Boise Cascade Corporation, State of Arkansas' Response to Defendants' Joint First Wave Production of Documents and as a result of the deposition of Edourd L. Lassieur, purchasing agent for the State of

Arkansa, whose deposition was taken on September 15, 1978.

* * *

OBJECTIONS/ANSWER TO INTERROGATORY NO. 12:

* * *

(6) it elicits information which has previously been provided by this Plaintiff in reponse to Defendants' discovery as described in Plaintiff's objection to Interrogatory No. 1.

Without waiving the foregoing objection, Plaintiff answers as follows: The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for Defendants as for Plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Plaintiff will therefore produce at a mutually agreeable time and place, documents from which the

requested information can be derived or ascertained and will afford Defendants reasonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

* * *

OBJECTIONS/ANSWER TO INTERROGATORY NO. 13:

Plaintiff objects to Interrogatory No. 13 on the grounds that: * * *

(6) it elicits information which has previously been provided by this Plaintiff in response to Defendants' discovery as described in Plaintiff's objection to Interrogatory No. 1.

Without waiving the foregoing objection, Plaintiff answers as follows: The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the

same for Defendants as for Plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Plaintiff will therefore produce at a mutually agreeable time and place, documents from which the requested information can be derived or ascertained and will afford Defendants a reasonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts of summaries thereof.

* * *

OBJECTIONS/ANSWER TO INTERROGATORY NO. 14

Plaintiff objects to Interrogatory No. 14 on the grounds that: * * *

(6) it elicits information which has previously been provided by this Plaintiff in response to Defendants' discovery as described in Plaintiff's objection to Interrogatory No. 1.

Without waiving the foregoing objection, Plaintiff answers as follows: the burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for Defendants as for Plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Plaintiff will therefore produce at a mutually agreeable time and place, documents from which the requested information can be derived or ascertained and will afford Defendants a resonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts of [sic] summaries thereof.

[sic] INTERROGATORY NO. 15:

Plaintiff objects to Interrogatory No. 15 on the grounds that: * * *

(6) it elicits information which was previously been provided by this Plaintiff in response to Defendants' discovery as described in Plaintiff's objection to Interrogatory No. 1.

Without waiving the foregoing objection, Plaintiff answers as follows: The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for Defendants as for Plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Plaintiff will therefore produce as a mutually agreeable time and place, documents from which the requested information can be derived or ascertained and will afford Defendants a reasonable opportunity to examine, audit and inspect such documents to make copies, compilations, and abstracts of summaries thereof.

REPLY APPENDIX 3

PLAINTIFF STATE OF CALIFORNIA'S ANSWERS AND OBJECTIONS TO DEFENDANTS' JOINT INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

OBJECTIONS TO INSTRUCTIONS

Plaintiff objects to the instructions regarding the completion of forms 1 through 6 on the grounds that said forms:

* * *

(6) call for information which can be derived or ascertained from plaintiffs' documents as easily by defendants as by plaintiff; (7) seek information which has previously been provided or made available to defendants.

ANSWER/OBJECTION TO INTERROGATORY NO. 12:

* * *

Plaintiff objects to this interrogatory on the grounds that the information

sought has previously been provided or made available to defendants in response to Defendants' Joint First Wave Request for Production of Documents (Set I).

During the month of September, 1978, attorneys for defendant Potlatch, acting on behalf of all mill defendants, inspected and copied over 10,000 purchase documents produced by the State of California in Sacramento, California. among those documents produced, inspected and copied were: annual and period contracts, purchase orders, acceptable products lists, qualified vendor lists, systems management and organizational descriptions, laws and regulations governing state contracting and purchasing.

In addition various of the aforementioned documents were the subject of

testimony in and appended as exhibits to the depositions of the following California purchasing personnel: Harley C. Raymond, taken September 1, 1978; John S. Babich, taken September 5, 1978; and Robert R. Brownlee, taken September 12, 1978.

ANSWER/OBJECTION TO INTERROGATORY NO. 13:

See above response to Interrogatory No. 12.

Plaintiff further responds that this information was provided in Plaintiff State of California's Answers and Objections to Defendants' Joint First Wave Interrogatories (Set I), dated August 11, 1978.

ANSWER/OBJECTION TO INTERROGATORY NO. 14:

See above response to Interrogatory No. 12.

ANSWER/OBJECTION TO INTERROGATORY NO. 15:

See above response to Interrogatory No. 12.

REPLY APPENDIX 4

PLAINTIFF STATE OF COLORADO'S RESPONSES AND OBJECTIONS TO DEFENDANTS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II).

* * *

OBJECTIONS TO INSTRUCTIONS

Plaintiff objects to the instructions regarding the completion of forms * * * on the grounds that said froms: * * * (6) call for information which can be derived or ascertained from plaintiff's documents as easily by defendants as by plaintiff; (7) seek information which has previously been provided or made available to defendants.

With respect to information previously provided, plaintiff states that, in response to "Defendants' Joint First Wave Request for Production of Documents (Set I)" it produced to defendants for inspection and copying a substantial

number of purchase documents from 25 to 30 different state agencies located throughout the state. Because of the time pressure and volume of documents, plaintiff initially offered to make available to defendants for inspection all purchase documents at their respective agency locations. Defendants rejected this offer and demanded production at a central location. In the interest of comity, plaintiff thereafter assembled at a central location as many of the documents as possible given the time constraints. In some instances the number of years covered or the type of document varied from agency to agency. Nonetheless, a substantial number of the purchase documents were produced.

INTERROGATORY NO. 12:

* * *

(A): * * *

Plaintiff further objects to this interrogatory on the grounds that the information sought has previously been provided or made available to defendants in plaintiff's "Responses to Defendants' Joint First Wave Interrogatories (Set I)," "Supplemental Responses of Plaintiff State of Colorado to Defendants' Joint First Wave Interrogatories (Set I), " as a result of plaintiff having produced for defendants, in response to discovery requests, documents from which the requested information could have been derived or ascertained, and as a result of

the deposition of Barbara H. Cox, purchasing agent for the State of Colorado, which deposition was taken on September 22, 1978.

To the extent that plaintiff's production of documents referred to above did not include all documents from the time period, the burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Pursuant to rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will therefore produce at a mtually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a reasonable opportunity to

examine, audit and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

INTERROGATORY NO. 13:

* * *

(A):

See response to interrogatory No. 12.

INTERROGATORY NO. 14:

* * *

(A):

See respone to interrogatory No. 12.

INTERROGATORY NO. 15:

* * *

(A):

See response to interrogatory No. 12

REPLY APPENDIX 5

PLAINTIFF'S [IOWA] RESPONSES AND OBJECTIONS TO DEFENDANTS'[1] JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

OBJECTIONS TO INSTRUCTIONS

Plaintiff objects to the instructions regarding the completion of forms * * * on the grounds that said forms: * * * (6) call for information which can be derived or ascertained from plaintiffs' documents as easily by defendants as by

---

1/ International Paper Company, Boise Cascade Corporation, Potlatch Corporation, St. Regis Paper Company, Union Camp Corporation, Weyerhaeuser Company.

plaintiff: (7) seek information which has previously been provided or made available to defendants.

II.

INTERROGATORIES

* * *

RESPONSES AND OBJECTIONS TO INTERROGATORY NO. 12:

* * *

The burden of driving or ascertaining the information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Purusuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will therefore produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a reasonable opportunity to examine, audit

and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

Plaintiff objects to this interrogatory on the grounds that the following information sought on Form #1 has previously been provided or made available to defendants as follows:

Form #1

Parts 1 and 2: Plaintiff's response and supplemental response to Interrogatory No. 2 of Defendants' Joint First Wave Interrogatories (Set I).

Parts 9, 10, 11 and 13: Documents on state bidding procedures produced in response to the depositions of state purchasing agents Leonard Olsasky and Dennis Groe taken on September 21, 1978 and set to Robert

Ferri, Attorney for Defendant Union Carbide, Breed, Abbott and Morgan, 1 Chase Manhatten Plaza, New York, New York 10003 on October 3, 1978.

RESPONSES AND OBJECTIONS TO INTERROGATORY NO. 13:

* * *

The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will therefore produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a reasonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

Plaintiff objects to this interrogatory on the grounds that the following information sought on Form #2 has previously been provided or made available to defendants as follows:

FORM #2

Part 23: Plaintiff's Response, Further Response and Supplemental Response to Interrogatories No. 4(a) of Defendant's Joint first Wave Interrogatories (Set I).

RESPONSES AND OBJECTIONS TO INTERROGATORY NO. 14:

* * *

The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will

therefore produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a reasonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

RESPONSES AND OBJECTIONS TO INTERROGATORY NO. 15:

* * *

The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will therefore produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a

reasonable opportunity to examine, audit and inspect such documents and to make copies, complilations, abstracts or summaries thereof.

Plaintiff objects to this interrogatory on the grounds that the information sought has previously been provided or made available to defendants in response to Defendants' Joint First Wave Production of Documents (Set I).

APPENDIX 6

PLAINTIFF STATE OF MISSOURI'S RESPONSES TO DEFENDANTS' JOINT INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

GENERAL OBJECTIONS

* * *

6. Plaintiff objects to these discovery requests to the extent that they seek information previously provided by Missouri in this litigation, including information provided in: (a) Missouri's responses to Defendants' Joint First Wave Interrogatories (Set I), or to the Supplemental Class Action Interrogatories served by defendants Potlatch and Boise Cascade; (b) defendants' deposition of Gary Judd, of the Department of Administration, division of Purchasing, taken August 31, 1978; (c) Missouri's

Responses to Defendants' Joint First Wave Production of Documents (Set I); and/or (d) all documents produced by Missouri for inspection by defendants. The grounds for such objection are that the requests are duplicative, repetive, unduly burdensome, have been asked and answered, and are designed solely to harass, annoy and oppress plaintiff.

7. Plaintiff objects to these discovery requests to the extent that they seek information which has been or may be ascertained from documents that plaintiff has previously produced for inspection and copying by defendants or to the extent that they again seek the production of the same such documents, on the grounds that the requests are repetitive, unduly burdensome and

designed solely to harass, annoy and oppress plaintiff.

* * *

ANSWER TO INTERROGATORY NO. 12

Plaintiff asserts general objections 1 through 7. Without waiving any of said objections, plaintiff, at a convenient time and place, will again produce for defendants the documents from which relevant information requested by this interrogatory may be derived or ascertained, although defendants have already (apparently inadequately) reviewed such documents. Further, to the extent that plaintiff has not previously produced to defendants such documents from which relevant information requested by this interrogatory may be derived or ascertained, at an appropriate phase of this litigation plaintiff will afford

defendants an opportunity to inspect and copy such documents. The burden of deriving or ascertaining such information is substantially the same for defendants as for plaintiff.

* * *

ANSWER TO INTERROGATORY NO. 13

See response to Interrogatory No. 12 above.

* * *

ANSWER TO INTERROGATORY NO. 14

See response to Interrogatory No. 12 above.

* * *

ANSWER TO INTERROGATORY NO. 15

See response to Interrogatory No. 12 above.

* * *

REPLY APPENDIX 7

PLAINTIFF STATE OF NEBRASKA'S RESPONSES TO SETTLING DEFENDANTS'S JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

I.

PLAINTIFF'S GENERAL OBJECTIONS

* * *

6. Plaintiff objects to this interrogatory because the burden of ascertaining and compiling the information requested by this interrogatory would be substantially the same for the defendants as for the plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff will produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford defendants a

reasonable opportunity to examine, audit, and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

7. Plaintiff objects to this interrogatory on the grounds that the information sought has previously been provided or made available to the defendants in previous discovery, to wit:

(A) Plaintiff's responses to defendants' joint first wave interrogatories (Set I), and Exhibit I attached thereto:

(B) Plaintiff's responses to defendants' joint first wave interrogatories re class action issues (Set2);

(C) The deposition of plaintiff's state purchasing offical, Joseph Arington, taken by defendants' counsel on September 15, 1978, in Lincoln, Nebraska;

(D) Plaintiff's production of documents for defendants, in response to the aforementioned discovery requests, [sic] certain purchasing records and documents from which the requested information has been or could have been derived or

ascertained, which documents have been provided to defendants' counsel Breed, Abbott and Morgan, 153 East 53rd Street, New York, New York between the dates of September 15 and September 18, 1978.

IV.

PLAINTIFF'S OBJECTIONS TO INSTRUCTIONS

Plaintiff objects to defendants' instructions regarding the completion of forms * * * on the grounds that said forms: * * * (6) call for information which can be derived or ascertained from plaintiff's documents as easily by the defendants as by the plaintiff; and (7)

seek information which has previously been provided or been made available to the defendants.

V.

PLAINTIFF'S RESPONSES TO INTERROGATORIES

* * *

RESPONSE TO INTERROGATORY NO. 12

(Form 1): Plaintiff objects to this interrogatory on the grounds set forth in its General Objections at paragraphs 1, 2, 3, 4, 5, 6 and 7. Without waiving said objections, plaintiff states that the information requested by this interrogatory was made available and/or actually provided to defendants, through their attorneys Breed, Abbott and Morgan, on or about September 15-18, 1978 by way of document production completed at that

time and/or the deposition of Nebraska purchasing offical Joseph Arington.

With respect to information regarding purchases of fine paper by the State of Nebraska between the years 1971-1973, which information was made available previously to defendants on Septemer 15, 1978, but not copied at that time because the information was stored on microfilm, plaintiff will produce, pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, at a mutually agreeable time and place, and upon reasonable notice, documents from which the requested information can be derived or ascertained, and will afford defendants a reasonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts or summaries thereof. * * *

RESPONSE TO INTERROGATORY NO. 13

(Form 2): See plaintiff's Response to Interrogatory No. 12.

* * *

RESPONSE TO INTERROGATORY NO. 14

(Form 3): See plaintiff's Response to Interrogatory No. 12.

* * *

RESPONSE TO INTERROGATORY NO. 15

See plaintiff's Response to Interrogatory No. 12.

REPLY APPENDIX 8

PLAINTIFF STATE OF NEW MEXICO'S RESPONSE TO DEFENDANTS JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

INTERROGATORY NO. 12

* * *

OBJECTIONS

* * *

2. The burden of deriving or ascertaining the information requested by this interrogatory would be substantially the same for Defendants as for Plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Plaintiff will therefore produce at a mutually agreeable time and place documents from which the requested information can be derived or ascertained, and will afford Defendants a reasonable opportunity to examine, audit

and inspect such documents and to make copies, complilations, abstracts or summaries thereof.

3. Plaintiff objects to this interrogatory on the grounds that the information sought has previously been provided or made available to Defendants in Plaintiff's Responses to Defendants Joint First Wave Interrogatories (Set I) and as a result of the deposition of Joe S. Salazar, purchasing analyst for the State of New Mexico, which deposition was taken on August 16, 1978, and the letter of September 8, 1978 from Donald B. Monnheimer to Joel G. Chefiz and Steven C. Neal of the law firm of Kirkland and Ellis, Chicago, Illinois.

INTERROGATORY NO. 13

* * *

OBJECTIONS

Same as all objections to Interrogatory No. 12.

INTERROGATORY NO. 14

* * *

OBJECTIONS

Same objections as to Interrogatory No. 12.

INTERROGATORY NO. 15

* * * *

OBJECTIONS

Same objections as to Interrogatory No. 12.

REPLY APPENDIX 9

PLAINTIFF STATE OF WASHINGTON'S RESPONSES TO DEFENDANTS'JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

GENERAL OBJECTIONS

* * *

6. Plaintiff objects to these discovery requests to the extent that they seek information previously provided by plaintiff in this litigation, including information provided in: (a) plaintiff's responses to Defendants' Joint First Wave Interrogatories (Set I) or the Supplemental Class Action Interrogatories served by defendants Potlatch and Boise Cascade; or (b) defendants' depositions of plaintiff's employees Margaret Nairn or Thomas L. Holmes. * * *

7. Plaintiff objects to these discovery requests to the extent that they seek information which may be deemed or ascertained from documents that plaintiff has previously produced for inspection and copying by defendants or to the extent that they seek the production of such documents, on the grounds that the requests are repetitive, unduly burdensome, and designed solely to harrass, annoy and oppress plaintiff.

OBJECTIONS TO INSTRUCTIONS

Plaintiff objects to the instructions regarding the completion of forms 1 through 6 on the grounds that said forms: * * *

(6) call for information which can be derived or ascertained as easily by defendants as by plaintiff, from documents previously produced to defendant,;

(7) otherwise seek information which has previously been provided or made available to defendants.

REPONSES TO INTERROGATORIES

* * *

INTERROGATORY NO. 12:

* * *

RESPONSE:

Plaintiff asserts General Objections 1 through 7. Without waiving any of said objections, to the extent that plaintiff has not previously produced to defendants the documents from which relevant information requested by this interrogatory may be drived or ascertained, at an appropriate phase of this litigation, plaintiff will afford defendants and opportunity to inspect and copy such documents. The burden of deriving or ascertaining such information is substan-

tially the same for defendants as for plaintiff.

INTERROGATORY NO. 13:

* * *

RESPONSE:

See Response to Interrogatory 12 above.

INTERROGATORY NO. 14:

* * *

RESPONSE:

See Reponse to Interrogatory No. 12 above.

INTERROGATORY NO. 15:

* * *

RESPONSE:

Plaintiff asserts General Objections 1 through 7.

REPLY APPENDIX 10

CERTAIN STATES' [1] SUPPLEMENTAL RESPONSE TO DEFENDANTS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS (SET II)

* * *

RESPONSES

* * *

RESPONSE NO. 12:

In addition to the information provided in previous answers and in the documents incorporated in this supplemental response, and the documents and testimony of purchasing agents previously taken or made available to defendants, the Respondent states respond as follows:

1/ Alaska, Arkansa, California, Colorado, Iowa, Missouri, Montana, Nebraska, New Mexico, Oregon, Washington. The States of Arizona and Pennsylvania have previously submitted supplemental responses.

(a) The burden of deriving or ascertaining the remaining information requested by this interrogatory would be substantially the same for defendants as for plaintiff. Purusuant to Rule 33(c), Federal Rules of Civil Procedure, each Respondent State will produce at a mutually agreeable time and place, the documents from which the requested information can be derived or ascertained, and will afford defendants full opportunity to examine, audit and inspect those documents and to make copies, compilations, abstracts or summaries of them.

RESPONSE NO. 13:

See Response No. 12.

RESPONSE NO. 14:

See Response No. 12.

RESPONSE NO. 15:

See Response No. 12.

APPENDIX 11

DEFENDANTS' JOINT FIRST WAVE INTERROGATORIES (SET I)

* * * *

INTERROGATORY NO. 3:

(a) With respect to each of your purchase transactions * * * involving fine paper, state the date of such transaction, identify the seller, describe the type of business * * * in which the seller was engaged and as to each such transaction:

* * *

(ii) state the product type (e.g., xerographic paper, off-set, coated or uncoated bond), grade and end use;

(iii) state the quantity in tons or pounds and the number of rolls or sheets;

(iv) state the points of shipment and delivery;

(v) state whether the purchase was made pursuant to a contract, and if so, identify the contract, describe its terms, including (without limitation) its length, and state whether the contract was fully performed according to its terms;

(vi) state whether any ancillary service or discount (as defined in "Definition F" above) was offered to you in connection with the sale, and if so, the type of the ancillary service or discount and, if a separate price was quoted for such service, the price quoted (if no separate price was quoted, so state);

(vii) state whether any ancillary service or discount was

accepted, and if so, the type of ancillary service or discount accepted and the amount paid therefore, if any;

(viii) if the purchase was from a person other than the manufacturer of the product, identify the manufacturer of the product;

(ix) identify all correspondence memoranda, and other documents pertaining to said transaction.

(b) Identify each purchase transaction referred to in Interrogatory No. 3(a) with respect to which you (or any purported class member known to you) claim damages.

* * *

INTERROGATORY NO. 4:

* * *

(b) Identify each non-defendant manufacturer from whom you have purchased

fine paper

(i) directly;

(ii) indirectly.

(c) Identify each person other than a manufacturer from whom you have purchased fine paper.

* * *

(f) State, for each calendar or fiscal year and for the period from the end of the last such year to the present, the percentage of the total quantity of fine paper purchased by you which was purchased:

(i) directly from the defendants named in this suit;

(ii) from merchants owned by defendants;

(iii) from merchants not owned by defendants;

(iv) from all other sources.

Identify the sources of information upon which this answer is based. * * *

Interrogatory No. 5:

(a) Describe in detail the types of documents, files and contracts in your possession which pertain to the purchase by you, or by any purported class member known to you, of fine paper.

(b) Identify all documents in your possession, custody or control (or in the possession, custody or control of any purported class member known to you) which contain the name of any of the defendants or which refer directly or by implication to any of the defendants.

REPLY APPENDIX 12

PLAINTIFF STATE OF OREGON'S ANSWERS AND OBJECTIONS TO DEFENDANTS' JOINT FIRST WAVE INTERROGATORIES (SET I)

* * * *

ANSWERS/OBJECTIONS TO INTERROGATORY NO. 3:

***

3(a)(ii)-3(b): Although such information is not readily available to Plaintiff State of Oregon in summary form, it can be derived or ascertained from an examination, audit or inspection of the business records and documents maintained by the Purchasing Division of the Oregon Department of General Services, or from a compilation, abstract or summary based thereon. The burden of deriving or ascertaining such information, however, would be substantially the same for defendants as for

plaintiff. Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Plaintiff will therefore produce such documents at mutually agreeable times and places and will afford defendants a reasonable opportunity to examine, audit and inspect such documents and to make copies, compilations, abstracts or summaries thereof.

* * *

OBJECTION/ANSWER TO INTERROGATORY NO. 4:

* * *

4(b): * * *

The documents from which such information can be derived or ascertained will be produced for the reasons and in the manner set forth in Plaintiff State of Oregon's answer herein to Interrogatory Nos. 3(a)(ii) - 3(b).

4(c): The documents from which

such information can be derived or ascertained will be produced for the reason and in the manner set forth in Plaintiff State of Oregon's answer to Interrogatory Nos. 3(a)(ii) - 3(b).

* * *

4(f): * * *

The documents from which such information can be derived or ascertained will be produced for the reasons and in the manner set forth in Plaintiff State of Oregon's answer herein to Interrogatory Nos. 3(a)(ii) - 3(b).

* * *

OBJECTION/ANSWER TO INTERROGATORY NO. 5:

* * *

5(a): Virtually all of the fine paper products purchased by Plaintiff State of Oregon and its various agencies and institutions are purchased through

the Purchasing Division of the Department of General Services in accordance with the Public Bidding and Purchasing Provisions of Chapter 279 of the Oregon Revised Statutes specified in Plaintiff State of Oregon's answer herein to Interrogatory No. 2(a)(i).

In connection with such purchases, the Purchasing Division of the Department of General Services maintains the following documents in its files and records:

1. Invitations to bid (including bid specifications, if any).

2. Bids received in response to invitations.

3. Contracts or price agreements resulting from bids.

4. Modifications or amendments to contracts or price agreements.

5. Contract release orders (requisitions), sent to Purchasing Division by the purchasing agencies or institutions.

6. Correspondence regarding the above.

Invoices for such purchases are maintained in the files and records of the agencies or institutions involved.

In addition to the purchases through the Purchasing Division of the Department of General Services, the various agencies and institutions are authorized to purchase up to $500 worth of fine paper products directly from various sellers. In connection with such purchases, the various agencies and institutions maintained the following documents in their files and records:

1. Purchase Order (a copy of which is sent to the Purchasing Division of the Department of General Services).

2. Invoices.

3. Correspondence regarding the above.

From time to time, purchases of fine paper products are not covered by the fine paper contract or price agreement currently in effect with the Department of General Services are necessary. In connection with such purchases, the Purchasing Division of the Department of General Services maintains the following documents in its files and records:

1. Purchase Requests (sent to Purchasing Division by the agency or institution requesting the purchase).

2. Invitations to bid (including bid specifications, if any).

3. Bids received in response to invitation.

4. Purchase Orders.

5. Correspondence regarding the above.

Invoices for such purchases are maintained in the files and records of the agency or institution involved.

* * *